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भारत का राजपत्र
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सं० 31] नई दिल्ली, शनिवार, जुलाई 30 से 5 अगस्त, 2006/श्रावण 8—14, 1928
No. 31] NEW DELHI, SATURDAY, JULY 30—AUGUST 5, 2006/SRAVANA 8—14, 1928

भाग II—खण्ड 3 (ii)
PART II—Section 3 (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (Other than the Ministry of Defence)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(कार्मिक एवं प्रशिक्षण विभाग)

नई दिल्ली, 24 जुलाई, 2006

का. आ. 2963.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तरांचल राज्य सरकार, गृह विभाग की अधिसूचना सं. गृह 3218/XX(3)/14/CBI/2006 दिनांक 13-7-2006 द्वारा प्राप्त उत्तरांचल राज्य सरकार की सहमति से उत्तरांचल राज्य में श्रीमति मूर्ति देवी, निवासी बाजपुर, जिला उधम सिंह नगर, उत्तरांचल की हत्या के संबंध में पंजीकृत अपराध सं. 1309/2006 अन्तर्गत भारतीय दंड संहिता, 1860 की धारा 147, 148, 149, 302 (1860 का अधिनियम सं. 45) धारा 3(1) अनुसूचित जाति एवं अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम, 1989 विरुद्ध अरविंद पांडेय, एम.एल.ए. एवं अन्य के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों से संबंधित अथवा संसक्त किन्हीं प्रयत्नों, दुष्प्रेरणों और षडयंत्रों तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध (धों) के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिकता का विस्तार संपूर्ण उत्तरांचल राज्य पर करती है।

[सं. 228/23/2006-ए वी डी-II (खण्ड-1)]
चन्द्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 24th July, 2006

S.O. 2963.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttaranchal Home Department vide Notification No. 3218/XX(3)/14/CBI/2006 dated 13-7-2006 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttaranchal for investigation of Crime No. 1309/2006 registered at Bajpur Police Station, District Udhamsingh Nagar, Uttaranchal relating to the murder of Smt. Murti Devi resident of Bajpur District Udhamsingh Nagar, Uttaranchal under section 147, 148, 149, 302 of Indian Penal Code, 1860 (Act No. 45 of 1860) and section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against Shri Arvind Pandey, MLA and others and attempt, abetment and conspiracy in relation to, or in connection with the said offence, and any other offence/offences committed in the course of the same transaction, or arising out of the same facts.

[No. 228/23/2006-AVD-II (Pt.-I)]
CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 26 जुलाई, 2006

का. आ. 2964.—केन्द्रीय सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक सरकार की अधिसूचना सं. एच डी 49 पी सी आर 2006 दिनांक 8-5-2006 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से मेंगलौर नॉर्थ पुलिस स्टेशन, कर्नाटक में भारतीय दंड संहिता की धारा 489-सी के अधीन दर्ज अपराध मामला संख्या 336/2005 और उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्रों तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध अथवा अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिकता का विस्तार संपूर्ण कर्नाटक राज्य पर करती है ।

[सं. 228/18/2006-ए वी डी-II]

चन्द्र प्रकाश, अवर सचिव

New Delhi, the 26th July, 2006

S.O. 2964.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 49 PCR 2006 dated 8-5-2006 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of Crime No. 336/2005 registered by Mangalore North Police Station, Karnataka under section 489-C of the Indian Penal Code, 1860 (Act No. 45 of 1860) and attempts, abetments and conspiracies in relation to, or in connection with the said offences, and any other offence or offences committed in the course of the same transaction, or arising out of the same facts.

[No. 228/18/2006-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क के आयुक्त का कार्यालय)

हैदराबाद, 26 जून, 2006

सं. 1/2006-सीमा शुल्क (एन टी)

का. आ. 2965.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1-7-1994 की अधिसूचना सं. 33/94-सीमा शुल्क (एन टी), सीमा शुल्क अधिनियम, 1962 की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आंध्र प्रदेश राज्य के निजामाबाद जिले के भीमगल मंडल के मेन्डोरा ग्राम को सीमा शुल्क अधिनियम, 1962 की धारा 9 के अधीन सीमित प्रयोजनार्थ शत प्रतिशत निर्यातोन्मुख उपक्रम स्थापित करने के लिए भण्डरागार स्टेशन घोषित किया जाता है।

[सी. सं. IV/16/108/2006-के. उ. शु. तकनीकी-3]

डॉ. एस. एल. मीणा, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

(OFFICE OF THE COMMISSIONER OF CUSTOMS & CENTRAL EXCISE)

Hyderabad, the 20th June, 2006

No. 1/2006-CUS (NT)

S.O. 2965.—In exercise of the powers delegated to me under Section 9 of the Customs Act, 1962 vide Notification No. 33/94-Cus (NT) dated 1-7-1994 of the Ministry of Finance, Department of Revenue, New Delhi, I hereby declare-Mendora Village, Bheemgal Mandal, Nizamabad District, Andhra Pradesh as a Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% Export Oriented Units (EOU) only.

[C. No. IV/16/108/2006-CUSTECH-III]

DR. S.L. MEENA, Commissioner

(मुख्य आयकर आयुक्तालय)

उदयपुर, 20 जुलाई, 2006

का. आ. 2966.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) की उप धारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2 गक के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मुख्य आयकर आयुक्त, उदयपुर "आदर्श विद्या मन्दिर सोसाइटी, अम्बा माता स्कीम, उदयपुर (राजस्थान)" को उक्त धारा के प्रयोजन हेतु निर्धारण वर्ष 2002-03 और 2003-04 के लिए अनुमोदन करते हैं।

परन्तु यह तब जब कि सोसायटी आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23ग) की उपधारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2 गक के प्रावधानों की पुष्टि एवं अनुपालना करती है।

यह अनुमति इस शर्त के साथ प्रदान की जाती है कि सोसायटी के संविधान में दिनांक 30-5-2006 को किये गये संशोधन समितियों के पंजीयक के पास पंजीकरण हो जायेगा।

[अधिसूचना सं. : 1/2006-07/
सं. मु.आ.आ./उदय/आ.अ. (तक.)/2006-07]

विजय रंजन, मुख्य आयुक्त

(OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX)

Udaipur, the 20th July, 2006

S.O. 2966.—In exercise of the powers conferred by Sub-Section (vi) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2 CA of the Income-tax Rules, 1962, the Chief Commissioner of Income-tax, Udaipur hereby approves "Adarsh Vidya Mandir Society, Amba Mata Scheme, Udaipur (Rajasthan)" for the purpose of said Section for the assessment years 2002-03 and 2003-04.

Provided that the society conforms to and complies with the provisons of Sub-Section (vi) of Clause (23C) of Section 10 of the Income-tax Act, 1961, read with rule 2CA of the Income-tax Rules 1962.

This approval is subject to the condition that the constitution as amended by Resolution dated 30-6-2005 is got registered with the Registrar of Societies.

[Notification No. 1/2006-07/
CCIT/UDR/ITO (Tech.)/2006-07]

VIJAY RANJAN, Chief Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 12 जुलाई, 2006

(आयकर)

का. आ. 2967.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरु होकर तथा 31 मार्च 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरु होकर तथा 31 मार्च 2006 को समाप्त अवधि के लिए संख्या का.आ. 354 (अ) के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स फेरानी होटल्स प्राइवेट लिमिटेड, कंस्ट्रक्शन हाउस-'ख', दूसरी मंज़िल 623, लिंकिंग रोड, खार (प.) मुम्बई-400 052 भवन सं. 7, 11, 16, सीटीएस सं. 1406ए/10 (खंड), एस सं. 504 (खंड), कार्यालय लिंक रोड, मलाड (प.), मुम्बई-400064 पर एक औद्योगिक पार्क का विकास कर रही है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 21-3-2005 के पत्र सं. 15/29/03-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब, इसलिए, उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स फेरानी होटल्स प्राइवेट लिमिटेड, मुम्बई द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स फेरानी होटल्स प्राइवेट लिमिटेड, मुम्बई द्वारा औद्योगिक पार्क की गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : फेरानी होटल्स प्राइवेट लिमिटेड

(ii) प्रस्तावित स्थान : भवन सं. 7, 11, 16, सीटीएस सं. 1406ए/10 (खंड), एस. सं. 504 (खंड), कार्यालय लिंक रोड, मलाड (प.), मुम्बई-400 064

(iii) औद्योगिक पार्क का क्षेत्रफल : 29,632 वर्ग मीटर (भूमि क्षेत्रफल)
79,740 वर्ग मीटर (निर्मित क्षेत्रफल)

(iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप					
क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	8	89	892	—	डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसलटैंसी सेवाएं
ख	8	89	893	—	कारोबार तथा प्रबंधन कंसलटैंसी कार्यकलाप
ग	8	89	894	—	वास्तुशिल्पीय तथा इंजीनियरी एवं अन्य तकनीकी कंसलटैंसी कार्यकलाप

(v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत	:	91 %
(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत	:	9 %
(vii) औद्योगिक यूनिटों की प्रस्तावित संख्या	:	33 यूनिटें
(viii) प्रस्तावित कुल निवेश (राशि रुपए में)	:	1,29,50,98,100
(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	97,48,74,500
(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	1,07,95,28,480
(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि	:	30-03-2006

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जा औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय हैं एवं उपलब्ध कराई गई हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योकि पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों, जिनमें विदेशी निवेश संवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिजर्व बैंक अथवा यथासमय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (iii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स फेरानी होटल्स प्राइवेट लिमिटेड, मुम्बई उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स फेरानी होटल्स प्राइवेट लिमिटेड, मुम्बई ऐसी किसी प्रतिक्रिया की अवैधता के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र, जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स फेरानी होटल्स प्राइवेट लिमिटेड, मुम्बई (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स

फेरानी होटल्स प्राइवेट लिमिटेड, मुम्बई औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा।

[अधिसूचना सं. 175/2006/फा.सं. 178/02/2006-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 12th July, 2006

(INCOME-TAX)

S.O. 2967.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-1A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Ferani Hotels Private Limited, Construction House-'B', 2nd floor, 623, Linking Road, Khar(W), Mumbai-400 052, is developing an Industrial Park at Building Nos. 7, 11, 16, CTS No. 1406A/10(pt.), S.No. 504(pt.), Off. Link Road, Malad (W), Mumbai-400 064;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/29/2003-IP & ID dated 21-3-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, thertefore, in exercise of the powers conferred by clause (iii) of sub-section 4 of Section 80-1A of the said Act, the Central Government hereby notifies the undertaking being developed and being maintained and operated by M/s. Ferani Hotels Private Limited, Mumbai, as an industrial park for the purposes of the said clause (iii);

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Ferani Hotels Private Limited, Mumbai.

1. (i) Name of the Industrial Undertaking : Ferani Hotels Private Limited

(ii) Proposed location : Building Nos. 7, 11, 16, CTS No. 1406A/10(pt.), S.No. 504(pt) Off. Link Rd., Malad (W), Mumbai-400 064.

(iii) Area of Industrial Park : 29,632 Sq. Meters (Land Area)
79,740 Sq. Meters (Built up Area)

(iv) Proposed activities

Nature of Industrial activity with NIC code					
S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	8	89	892	—	Data processing software development and computer consultancy services.
B	8	89	893	—	Business and management consultancy activities.
C	8	89	894	—	Architectural and engineering and other technical consultancy activities.

(v)	Percentage of allocable area earmarked for industrial use	: 91%
(vi)	Percentage of allocable area earmarked for commercial use	: 9%
(vii)	Minimum number of industrial units	: 33 Units
(viii)	Total investments proposed (Amount in Rs.)	: 1,29,50,98,100
(ix)	Investment on built up space for industrial use (Amount in Rs.)	: 97,48,74,500
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rs.)	: 1,07,95,28,480
(xi)	Proposed date of commencement of the industrial Park	: 30-03-2006

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s. Ferani Hotels Private Limited, Mumbai, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 801A of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 801A of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. Ferani Hotels Private Limited, Mumbai shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Ferani Hotels Private Limited, Mumbai, transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Ferani Hotels Private Limited, Mumbai, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 175/2006/F.No. 178/02/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 12 जुलाई, 2006

(आयकर)

का. आ. 2968.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354 (अ) के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स आक्रुति निर्माण लिमिटेड, मुम्बई, आक्रुति ट्रेड सेंटर, रोड सं. 7, मारोल एमआईडी सी, अंधेरी (पूर्व), मुम्बई-400 093 सेंट्रल रोड, पॉकेट सं. 4, एम टी एन एल कार्यालय के पास, एम आई डी सी मारोल अंधेरी (पूर्व) मुम्बई-400 093 पर 'आक्रुतिक सेंटर पॉइन्ट' नाम से एक औद्योगिक पार्क का विकास कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 9-12-2005 के पत्र सं. 15/43/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब, इसलिए, उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स आक्रुति निर्माण लिमिटेड, मुम्बई द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स आक्रुति निर्माण लिमिटेड, मुम्बई द्वारा औद्योगिक पार्क की गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : आक्रुति निर्माण लिमिटेड

(ii) प्रस्तावित स्थान : सेंट्रल रोड, पॉकेट सं. 4, एम टी एन एल कार्यालय के पास, एम आई डी सी मारोल अंधेरी (पूर्व), मुम्बई-400 093

(iii) औद्योगिक पार्क का क्षेत्रफल : 16,337.58 वर्ग मीटर

(iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप					
क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	8	89	892	—	डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसलटैंसी सेवाएं
ख	8	89	893	—	कारोबार तथा प्रबंधन कंसलटैंसी कार्यकलाप
ग	8	89	894	—	वास्तुशिल्पीय तथा इंजीनियरिंग एवं अन्य तकनीकी कंसलटैंसी कार्यकलाप
घ	8	89	895	—	तकनीकी परीक्षण एवं विश्लेषण सेवाएं

(v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत	:	90.44 %
(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत	:	5.56 %
(vii) औद्योगिक यूनिटों की प्रस्तावित संख्या	:	4 यूनिटें
(viii) प्रस्तावित कुल निवेश (राशि रुपए में)	:	41.76 करोड़
(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	34.57 करोड़
(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	39.44 करोड़
(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि	:	31-12-2005

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय हैं एवं उपलब्ध कराई गई हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योकि पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश सवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिजर्व बैंक अथवा यथासमय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (iii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स आकृति निर्माण लिमिटेड, मुम्बई उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स आकृति निर्माण लिमिटेड, मुम्बई ऐसी किसी प्रतिक्रिया की अवैधता के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स आकृति निर्माण लिमिटेड, मुम्बई (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स आकृति निर्माण लिमिटेड, मुम्बई औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा।

[अधिसूचना सं. 176/2006/फा.सं. 178/33/2006-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 12th July, 2006

(INCOME-TAX)

S.O. 2968.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-1A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006.

And whereas M/s. Akruti Nirman Limited, Mumbai, Akruti Trade Centre, Road No. 7, Marol MIDC, Andheri (East), Mumbai-400 093, is developing an Industrial Park namely, 'Akruti Centre Point' at Central Road, Pocket No. 4, Near M.T.N.L. Office, MIDC Marol, Andheri (East), Mumbai-400 093;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/43/05-IP & ID dated 9-12-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, thertefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-1A of the said Act, the Central Government hereby notifies the undertaking being developed and being maintained and operated by M/s. Akruti Nirman Limited, Mumbai, as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Akruti Nirman Limited, Mumbai.

1. (i) Name of the Industrial Undertaking : Akruti Nirman Limited

(ii) Proposed location : Central Road, Pocket No. 4, Near M.T.N.L. Office, MIDC Marol, Andheri (East), Mumbai-400 093

(iii) Area of Industrial Park : 16337.58 Square Meters

(iv) Proposed activities

Nature of Industrial activity with NIC Code					
S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	8	89	892	—	Data processing, software development and computer consultancy services.
B	8	89	893	—	Business and management consultancy activities.
C	8	89	894	—	Architectural and engineering and other technical consutancy activities.
D	8	89	895	—	Technical testing and analysis services.

(v)	Percentage of allocable area earmarked for industrial use	: 94.44 %
(vi)	Percentage of allocable area earmarked for commercial use.	: 5.56 %
(vii)	Minimum number of industrial units	: 4 Units
(viii)	Total investments proposed (Amount in Rs.)	: 41.76 Crores
(ix)	Investment on built up space for industrial use (Amount in Rs.)	: 34.57 Crores
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rs.)	: 39.44 Crores
(xi)	Proposed date of commencement of the Industrial Park	: 31-12-2005

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s. Akruti Nirman Limited, Mumbai, shall continue to operate the industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 801A of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval shall be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 801A of the Income Tax Act, 1961.

9. The approval shall be invalid and M/s. Akruti Nirman Limited, shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Akruti Nirman Limited, Mumbai, transfers the operation and maintenance of the Industrial Park (i.e., transfer undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Akruti Nirman Limited, Mumbai, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 176/2006/F.No. 178/33/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 12 जुलाई, 2006

(आयकर)

का. आ. 2969.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के जरिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354 (अ) के जरिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स आर एम जैड कॉर्प होल्डिंग्स प्राइवेट लिमिटेड, दि मिलेनिया टावर बी, लेवल 12-14, 1 और 2 मर्फी रोड, उल्सूर बंगलौर प्लॉट सं. 14 और 15, हाइटैक सिटी लेआउट, माधापुर ग्राम, श्रीलिंगमपल्ली मंडल, हैदराबाद, जिला रंगा रेड्डी, आंध्र प्रदेश-500 081 नाम से एक औद्योगिक पार्क का विकास कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 13-4-2006 के पत्र सं. 15/150/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब, इसलिए, उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स आर एम जैड कॉर्प होल्डिंग्स प्राइवेट लिमिटेड, बंगलौर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स आर एम जैड कॉर्प होल्डिंग्स प्राइवेट लिमिटेड, बंगलौर द्वारा औद्योगिक पार्क को गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : आर एम जैड कॉर्प होल्डिंग्स प्राइवेट लिमिटेड

(ii) प्रस्तावित स्थान : आर एम जैड फ्युचुरा, प्लॉट सं. 14 और 15, हाइटेक सिटी लेआउट, माधापुर ग्राम, श्रीलिंगमपल्ली मंडल, हैदराबाद, जिला रंगा रेड्डी, आन्ध्र प्रदेश, पिनकोड-500 081

(iii) औद्योगिक पार्क का क्षेत्रफल : 50248.44 वर्ग मीटर

(iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप					
क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	8	89	892	—	डाटा प्रोसेसिंग, साफ्टवेयर विकास तथा कम्प्यूटर कंसलटैंसी सेवाएं
ख	8	89	893	—	कारोबार तथा प्रबंधन कंसलटैंसी कार्यकलाप

(v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत : 100.00 %

(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : शून्य

(vii) औद्योगिक यूनिटों की प्रस्तावित संख्या : 7 यूनिटें

(viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 1,29,94,92,000

(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : 72,69,92,000

(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	1,29,94,92,000
(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि	:	(i) ब्लॉक 'क'—30-11-04 (ii) ब्लॉक 'ख'—30-4-05 (iii) ब्लॉक 'ग'—31-8-05

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय है एवं उपलब्ध कराई गई हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योकि पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट कोई प्राधिकरण भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (iii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स आर एम जैड कॉर्प होल्डिंग्स प्राइवेट लिमिटेड उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है, तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन वैध रहेगा और मैसर्स आर एम जैड कॉर्प होल्डिंग्स प्राइवेट लिमिटेड ऐसी किसी प्रतिक्रिया की अवैधता के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यह मैसर्स आर एम जैड कॉर्प होल्डिंग्स प्राइवेट लिमिटेड (अर्थात अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स आर एम जैड कॉर्प होल्डिंग्स प्राइवेट लिमिटेड औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 177/2006/फा.सं. 178/65/2006-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 12th July, 2006

(INCOME-TAX)

S.O. 2969.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. RMZ Corp Holdings Private Limited, The Millennia Tower B, Level 12-14, 1 & 2 Murphy Road, Ulsoor, Bangalore, is developing an Industrial Park namely, 'RMZ Futura' at Plot No. 14 & 15, Hitec City Layout, Madhapur Village, Serilingampalli Mandal, Hyderabad, District Ranga Reddy, Andhra Pradesh-500081;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/150/2005-IP & ID dated 13-4-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking being developed and being maintained and operated by M/s. RMZ Corp Holdings Private Limited, Bangalore, as an industrial park for the purposes of the said clause (iii);

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. RMZ Corp Holdings Private Limited, Bangalore.

1. (i) Name of the Industrial Undertaking : RMZ Corp Holdings Private Limited

(ii) Proposed location : RMZ Futura, Plot No. 14 & 15, Hitec City Layout, Madhapur Village Serilingapalli Mandal, Hyderabad, District Ranga Reddy, Andhra Pradesh, Pin Code-500 081.

(iii) Area of Industrial Park : 50248.44 Square Meters

(iv) Proposed activities

Nature of Industrial activity with NIC code					
S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	8	89	892	—	Data processing software development and computer consultancy services.
B	8	89	893	—	Business and management consultancy activities.

(v) Percentage of allocable area earmarked for industrial use : 100.00%

(vi) Percentage of allocable area earmarked for commercial use. : Nil

(vii) Minimum number of industrial units : 7 Units

(viii) Total investments proposed (Amount in Rs.) : 1,29,94,92,000/-

(ix) Investment on built up space for industrial use (Amount in Rs.) : 72,69,92,000/-

(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rs.)	: 1,29,94,92,000/-
(xi)	Proposed date of commencement of the Industrial Park	: (i) Block 'A'—30-11-04 (ii) Block 'B'—30-04-05 (iii) Block 'C'—31-08-05

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s. RMZ Corp Holdings Private Limited, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval shall be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.

9. The approval shall be invalid and M/s. RMZ Corp Holdings Private Limited, shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. RMZ Corp Holdings Private Limited, transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial; Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. RMZ Corp Holdings Private Limited, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 177/2006/F.No. 178/65/2006-ITA-I]
DEEPAK GARG, Under Secy.

नई दिल्ली, 14 जुलाई, 2006

(आयकर)

का. आ. 2970.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च 1999 के जरिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च 2006 को समाप्त अवधि के लिए संख्या का.आ. 354 (अ) दिनांक 1 अप्रैल, 2002 के जरिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स टैक पार्क-1, जी-3, फीनिक्स, बंद गार्डन रोड, पुणे, महाराष्ट्र-411 001 सर्वे सं. 191, ए/2ए/1/2 सी टी एस सं. 2175, एयरपोर्ट रोड, येरवाड़ा, पुणे, पिन-411 006 में एक औद्योगिक पार्क का विकास कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 13-4-2006 के पत्र सं. 15/52/2005-आई पी एंड आई डी के तहत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब, इसलिए, उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (ii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स टैक पार्क-1, पुणे द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स टैक पार्क-1, पुणे द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक विकास एवं निवेश का नाम : टैक पार्क-1

(ii) प्रस्तावित स्थान : सर्वे सं. 191, ए/2ए/1/2 सी टी एस सं. 2175, एयरपोर्ट रोड, येरवाड़ा, पुणे, पिन-411 006

(iii) औद्योगिक पार्क का कुल क्षेत्रफल : 1,14,622 वर्ग मीटर

(iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप					
क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	7	75	—	—	संचार सेवाएं
ख	8	89	892	—	डाटा प्रोसेसिंग साफ्टवेयर डेबलपमेंट एवं कम्प्यूटर कन्सल्टेन्सी सेवाएं
ग	8	89	893	—	व्यापार एवं प्रबंधन कन्सल्टेन्सी गतिविधियां
घ	8	89	894	—	वास्तुकला एवं इन्जीनियरिंग एवं अन्य तकनीकी कन्सल्टेन्सी गतिविधियां
ङ	8	89	895	—	तकनीकी प्रयोग एवं विश्लेषण सेवाएं

(v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत : 94.00%

(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 6.00%

(vii) औद्योगिक यूनिटों की न्यूनतम संख्या : 3 यूनिटें

(viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 116.26 करोड़

(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : 78.99 करोड़

(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में) : 116.26 करोड़

(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : जुलाई, 2005

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अब संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथासमय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स टैक पार्क-1, पुणे उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स टैक पार्क-1, पुणे ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यदि उक्त मैसर्स टैक पार्क-1, पुणे (अर्थात अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स टैक पार्क-1, पुणे किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 178/2006/फा.सं. 178/63/2006-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th July, 2006

(INCOME-TAX)

S.O. 2970.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s.Tech Park-1, G-3, Phoenix, Bund Garden Road, Pune, Maharashtra-411 001, is developing an Industrial Park at Survey No. 191, A/2A/1/2, CTS No. 2175, Airport Road, Yerwada, Pune, Pin-411 006;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/52/2005-IP & ID dated 13-4-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of section 80-IA of the said Act, the Central Government hereby notifies the undertaking being developed and being maintained and operated by M/s. Tech Park-1, Pune, as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Tech Park-1, Pune.

1. (i) Name of the Industrial Development & Investment : Tech park-1

(ii) Proposed location : Survey No. 191, A/2A/1/2, CTS No. 2175, Airport Road, Yerwada, Pune, Pin-411 006.

(iii) Area of Industrial Park : 1,14,622 Square Meters

(iv) Proposed activities

Nature of Industrial activity with NIC code					
S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	7	75	—	—	Communication services.
B	8	89	892	—	Data processing, software development and computer consultancy services.
C	8	89	893	—	Business and management consultancy activities.
D	8	89	894	—	Architectural and engineering and other technical consultancy activities.
E	8	89	895	—	Technical testing and analysis services.

(v) Percentage of allocable area earmarked for industrial use : 94.00%

(vi) Percentage of allocable area earmarked for commercial use : 6.00%

(vii) Minimum number of industrial units : 3 Units

(viii)	Total investments proposed (Amount in Rs.)	:	116.26 crores
(ix)	Investment on built up space for industrial use (Amount in Rs.)	:	78.99 crores
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees)	:	116.26 crores
(xi)	Proposed date of commencement of the industrial Park	:	July, 2005

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification. are located in the Industrial Park.

7. M/s. Tech Park-1, Pune, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. Tech Park-1, shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Tech Park-1, Pune, transfers the operation and maintenance of the industrial park (i.e., transfer undertaking) to another undertaking (i.e., the transferee undertaking), the transfer and transferor shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Tech Park-1, Pune, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 178/2006/F.No. 178/63/2006-ITA-I]
DEEPAK GARG, Under Secy.

नई दिल्ली, 14 जुलाई, 2006

(आयकर)

का. आ. 2971.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के जरिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का. आ. 54 (अ) दिनांक 1 अप्रैल, 2002 के जरिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स इंडिया लैण्ड इन्फ्रास्ट्रक्चर डेवलपमेंट प्राइवेट लिमिटेड, मुम्बई जिसका पंजीकृत कार्यालय भूतल, रूस का सांस्कृतिक केन्द्र, 31/ए डा. गोपाल राव देशमुख मार्ग, मुम्बई-400026 में है, ने सर्वे सं. 238/3ए, 3बी, 4 और 5, ग्राम हदसप्सर, तालिका हवेली, जिला पुणे, महाराष्ट्र में पंचशील आई टी पार्क नाम से एक औद्योगिक पार्क का विकास किया है।

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 12-12-2005 के पत्र सं. 15/54/05-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब, इसलिए उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स इंडिया लैण्ड इन्फ्रास्ट्रक्चर डेवलपमेंट प्राइवेट लिमिटेड, मुम्बई द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स इंडिया लैण्ड इन्फ्रास्ट्रक्चर डेवलपमेंट प्राइवेट लिमिटेड, मुम्बई द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : पंचशील आई पार्क (मैसर्स इंडिया लैण्ड इन्फ्रास्ट्रक्चर डेवलपमेंट प्राइवेट लिमिटेड, मुम्बई का उपक्रम)

(ii) प्रस्तावित स्थान : सर्वे सं. 238/3ए, 3बी, 4 और 5, ग्राम हदसप्सर, तालिका हवेली, जिला पुणे, महाराष्ट्र

(iii) औद्योगिक पार्क का कुल क्षेत्रफल : 19,206 वर्ग मीटर

(iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप					
क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	7	75	—	—	संचार सेवाएं
ख	8	89	892	—	डाटा प्रोसेसिंग साफ्टवेयर डेपलमेंट एवं कम्प्यूटर कन्सल्टेन्सी सेवाएं
ग	8	89	893	—	व्यापार एवं प्रबंधन कन्सल्टेन्सी गतिविधियां
घ	8	89	894	—	वास्तुकला एवं इन्जीनियरिंग एवं अन्य तकनीकी कन्सल्टेन्सी गतिविधियां
ङ	8	89	895	—	तकनीकी प्रयोग एवं विश्लेषण सेवाएं

(v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत : 90.00%

(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 10.00%

(vii) औद्योगिक यूनिटों की न्यूनतम संख्या	:	3 यूनिटें
(viii) प्रस्तावित कुल निवेश (राशि रुपए में)	:	30.00 करोड़
(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	20.00 करोड़
(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	28.00 करोड़
(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि	:	दिसम्बर, 2005

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अवसंरचनात्मक विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योकि पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथासमय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स इंडिया लैंड इन्फ्रास्ट्रक्चर डेवलपमेंट प्राइवेट लिमिटेड, मुम्बई उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (ii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (ii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स इंडिया लैंड इन्फ्रास्ट्रक्चर डेवलपमेंट प्राइवेट लिमिटेड, मुम्बई ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यदि मैसर्स इंडिया लैंड इन्फ्रास्ट्रक्चर डेवलपमेंट प्राइवेट लिमिटेड, मुम्बई (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स इंडिया लैंड इन्फ्रास्ट्रक्चर डेवलपमेंट प्राइवेट लिमिटेड, मुम्बई किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा।

[अधिसूचना सं. 179/2006/फा.सं. 178/59/2006-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th July, 2006

(INCOME-TAX)

S.O. 2971.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax.Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006.

And whereas M/s.India Land Infrastructure Development Private Limited, Mumbai, having registered office at Ground Floor, Cultural Centre of Russia, 31/A, Dr. Gopal Rao Deshmukh Marg, Mumbai 400 026, has developed an Industrial Park, namely Panchshil IT Park at Survey No. 238/3A, 3B, 4 & 5, Village Hadsapsar, Talika, Haveli, District Pune, Maharashtra;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/54/05-IP & ID dated 12-12-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking developed and being maintained and operated by M/s.India Land Infrastructure Development Private Limited, Mumbai,as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s.India Land Infrastructure Development Private Limited, Mumbai.

1. (i) Name of the Industrial Undertaking : Panchshil IT Park, (undertaking of M/s.India Land Infrastructure Development Private Limited, Mumbai)

(ii) Proposed location : Survey No. 238/3A, 3B, 4 & 5, Village-Hadsapsar, Talika-Haveli, District Pune, Maharashtra

(iii) Area of Industrial Park : 19,206 Square Meters

(iv) Proposed activities

Nature of Industrial activity with NIC Code					
S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	7	75	—	—	Communication services.
B	8	89	892	—	Data processing, software development and computer consultancy services.
C	8	89	893	—	Business and management consultancy activities.
D	8	89	894	—	Architectural and engineering and other technical consultancy activities.
E	8	89	895	—	Technical testing and analysis services.

(v) Percentage of allocable area earmarked for industrial use : 90.00%

(vi) Percentage of allocable area earmarked for commercial use. : 10.00%

(vii)	Minimum number of industrial units	: 3 Units
(viii)	Total investments proposed (Amount in Rs.)	: 30.00 crores
(ix)	Investment on built up space for industrial use (Amount in Rs.)	: 20.00 crores
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees)	: 28.00 crores
(xi)	Proposed date of commencement of the Industrial Park	: December, 2005

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastracture development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s.India Land Infrastructure Development Private Limited, Mumbai shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval shall be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income-Tax Act, 1961.

9. The approval will be invalid and M/s.India Land Infrastructure Development Private Limited, Mumbai shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

10. In case M/s.India Land Infrastructure Development Private Limited, Mumbai transfers the operation and maintenance of the industrial park (i.e., transfer undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial; Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s.India Land Infrastructure Development Private Limited, Mumbai fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 179/2006/F.No. 178/59/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 जुलाई, 2006

(आयकर)

का. आ. 2972.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के जरिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354 (अ) दिनांक 1 अप्रैल, 2002 के जरिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स सालारपुरिया प्रॉपर्टीज प्राइवेट लिमिटेड, मनी टैरेस, सं. 100 के एच रोड (डबल रोड) बंगलौर-560 027 'सालारपुरिया हॉलमार्क' नाम से बाहरी रिंग रोड, बंगलौर, कर्नाटक-560 037 में एक औद्योगिक पार्क का विकास कर रहा है।

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 08-12-2005 के पत्र सं. 15/81/2005-आई पी एंड आई डी के अंतर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब, इसलिए, उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स सालारपुरिया प्रॉपर्टीज प्राइवेट लिमिटेड, बंगलौर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स सालारपुरिया प्रॉपर्टीज प्राइवेट लिमिटेड, बंगलौर द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : सालारपुरिया प्रॉपर्टीज प्राइवेट लिमिटेड

(ii) प्रस्तावित स्थान : सालारपुरिया हॉलमार्क, बाहरी रिंग रोड, बंगलौर, कर्नाटक-560 037

(iii) औद्योगिक पार्क का कुल क्षेत्रफल : 41356.77 वर्ग मीटर

(iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप					
क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	8	89	892	—	डाटा प्रोसेसिंग साफ्टवेयर डेवलपमेंट एवं कम्प्यूटर कन्सल्टेन्सी सेवाएं
ख	8	89	893	—	व्यापार एवं प्रबंधन कन्सल्टेन्सी गतिविधियां
ग	8	89	894	—	वास्तुकला एवं इन्जीनियरिंग एवं अन्य तकनीकी कन्सल्टेन्सी गतिविधियां
घ	8	89	895	—	तकनीकी प्रयोग एवं विश्लेषण सेवाएं

(v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत : 100%

(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : शून्य

(vii) औद्योगिक यूनिटों की न्यूनतम संख्या : 3 यूनिटें

(viii) प्रस्तावित कुल निवेश (राशि रुपए में)	:	52.91 करोड़
(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	17.75 करोड़
(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	45.91 करोड़
(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि	:	31-03-2006

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अब संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारिणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योकि पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स सालारपुरिया प्रॉपर्टीज प्राइवेट लिमिटेड उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (ii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स सालारपुरिया प्रॉपर्टीज प्राइवेट लिमिटेड ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यदि मैसर्स सालारपुरिया प्रॉपर्टीज प्राइवेट लिमिटेड (अर्थात अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स सालारपुरिया प्रॉपर्टीज प्राइवेट लिमिटेड किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा।

[अधिसूचना सं. 180/2006/फा.सं. 178/42/2006-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th July, 2006

(INCOME-TAX)

S.O. 2972.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-1A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Salarpuria Properties Private Limited, Money Terrace, No. 100 K H Road (Double Road), Bangalore-560 027, is developing an Industrial Park namely, 'Salarpuria Hallmark' at Outer Ring Road, Bangalore, Karnataka-560 037;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/81/05-IP & ID dated 8-12-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-1A of the said Act, the Central Government hereby notifies the undertaking, being developed and being maintained and operated by M/s. Salarpuria Properties Private Limited, Bangalore, as an industrial park for the purposes of the said clause (iii);

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Salarpuria Properties Private Limited, Bangalore.

1. (i) Name of the Industrial Undertaking : Salarpuria Properties Private Limited

(ii) Proposed location : Salarpuria Hallmark, Outer Ring Road, Bangalore, Karnataka-560 037

(iii) Area of Industrial Park : 41356.77 Square Meters

(iv) Proposed activities

Nature of Industrial activity with NIC code					
S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	8	89	892	—	Data processing, software development and computer consultancy services.
B	8	89	893	—	Business and management consultancy activities.
C	8	89	894	—	Architectural and engineering and other technical consultancy activities.
D	8	89	895	—	Technical testing and analysis services.

(v) Percentage of allocable area earmarked for industrial use : 100%

(vi) Percentage of allocable area earmarked for commercial use. : Nil

(vii) Minimum number of industrial units : 3 Units

(viii)	Total investments proposed (Amount in Rs.)	:	52.91 crores
(ix)	Investment on built up space for industrial use (Amount in Rs.)	:	17.75 crores
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees)	:	45.91 crores
(xi)	Proposed date of commencement of the Industrial Park	:	31-03-2006

The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the Ist April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para I (vii) of this Notification, are located in the Industrial Park.

7. M/s. Salarpuria Properties Private Limited, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-1A of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-1A of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. Salarpuria Properties Private Limited, shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it;

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Salarpuria Properties Private Limited, transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Salarpuria Properties Private Limited fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 180/2006/F.No. 178/42/2006-ITA-I]
DEEPAK GARG, Under Secy.

नई दिल्ली, 14 जुलाई, 2006

(आयकर)

का. आ. 2973.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193(अ) दिनांक 30 मार्च, 1999 के जरिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354 (अ) दिनांक 1 अप्रैल, 2002 के जरिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स डी. एल.एफ. इनफो सिटी डेवलपर्स (कोलकाता) लिमिटेड जिसका पंजीकृत कार्यालय, तृतीय तल, बी विंग शॉपिंग मॉल कॉम्प्लेक्स अर्जुन मार्ग, डी. एल. एफ. सिटी, फेस-1, गुड़गांव-122002 में है, प्लॉट नम्बर 08-एम ए आर, ब्लॉक ए एफ, न्यू टाउन, पी एस राजरहॉट जिला-चौबीस परगना, पश्चिम बंगाल में एक औद्योगिक पार्क का विकास कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 13-5-2005 के पत्र सं. 15/26/2005-आई पी एंड आई डी (दिनांक 25-5-2005 को वाणिज्य एवं उद्योग मंत्रालय द्वारा संशोधित) के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब, इसलिए, उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (ii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स डी. एल.एफ. इनफो सिटी डेवलपर्स (कोलकाता) लिमिटेड, गुड़गांव द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स डी. एल.एफ. इनफो सिटी डेवलपर्स (कोलकाता) लिमिटेड, गुड़गांव द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : डी. एल.एफ. इनफो सिटी डेवलपर्स (कोलकाता) लिमिटेड, गुड़गांव

(ii) प्रस्तावित स्थान : प्लॉट नम्बर 08-एम ए आर, ब्लॉक ए एफ, न्यू टाउन, पी एस राजरहॉट, जिला-चौबीस परगना, पश्चिम बंगाल

(iii) औद्योगिक पार्क का क्षेत्रफल : 10 एकड़

(iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप					
क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	2 और 3	—	—	—	विनिर्माण
ख	4	—	—	—	विद्युत, गैस एवं जल
ग	7	75	—	—	संचार सेवाएं
घ	8	89	892	—	डाटा प्रोसेसिंग साफ्टवेयर डेवलपमेंट एवं कम्प्यूटर कन्सल्टेन्सी सेवाएं
ङ	8	89	893	—	व्यापार एवं प्रबंधन कंसल्टेंसी गतिविधियां
च	8	89	894	—	वास्तुकला एवं इंजीनियरिंग एवं अन्य तकनीकी कन्सल्टेंसी गतिविधियां
छ	8	89	895	—	तकनीकी प्रयोग एवं विश्लेषण सेवाएं

(v) औद्योगिक उपयोग के लिए प्रस्तावित आवंटनीय क्षेत्र का प्रतिशत : 66 %

(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत	:	10%
(vii) औद्योगिक यूनिटों की न्यूनतम संख्या	:	6 यूनिटें
(viii) प्रस्तावित कुल निवेश (राशि रुपए में)	:	209.19 करोड़
(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	124.96 करोड़
(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	197.89 करोड़
(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि	:	प्रथम ब्लॉक—जुलाई, 2005 द्वितीय ब्लॉक—नवम्बर, 2005 तृतीय ब्लॉक—फरवरी, 2006

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स डी. एल. एफ. इनफो सिटी डेवलपर्स (कोलकाता) लिमिटेड, गुड़गांव उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (x) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स डी. एल. एफ. इनफो सिटी डेवलपर्स (कोलकाता) लिमिटेड, गुड़गांव ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यह मैसर्स डी. एल. एफ. इनफो सिटी डेवलपर्स (कोलकाता) लिमिटेड, गुड़गांव (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स डी. एल. एफ. इनफो सिटी डेवलपर्स (कोलकाता) लिमिटेड, गुड़गांव किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा।

[अधिसूचना सं. 181/2006/फा.सं. 178/45/2005-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th July, 2006

(INCOME-TAX)

S.O. 2973.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. DLF Info City Developers (Kolkata) Limited, having registered office at 3rd Floor, B-Wing, Shopping Mall Complex, Arjun Marg, DLF City, Phase-I, Gurgaon-122002, is developing an Industrial Park at Plot No. 08-MAR, Block AF, New Town, PS Rajarhat, District 24-Parganas, West Bengal;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/26/05-IP & ID dated 13-5-2005 (corrected by Ministry of Commerce and Industry on 25-5-2005) subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking being developed and being maintained and operated by M/s. DLF Info City Developers (Kolkata) Limited, Gurgaon as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. DLF Info City Developers (Kolkata) Limited, Gurgaon.

1. (i) Name of the Industrial Undertaking : DLF Info City Developers (Kolkata) Limited.

(ii) Proposed location : Plot No. 08-MAR, Block AF, New Town, PS Rajarhat, District 24-Parganas, West Bengal.

(iii) Total area of Industrial Park : 10 acres

(iv) Proposed activities

Nature of Industrial activity with NIC code

S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	2 and 3	—	—	—	Manufacturing
B	4	—	—	—	Electricity, Gas and Water.
C	7	75	—	—	Communication Services
D	8	89	892	—	Data Processing, Software Development and Computer consultancy services.
E	8	89	893	—	Business and management consultancy activities.
F	8	89	894	—	Architectural and engineering and other technical consultancy activities.
G	8	89	895	—	Technical testing and analysis services.

(v)	Percentage of allocable area earmarked for industrial use	:	66%
(vi)	Percentage of allocable area earmarked for commercial use.	:	10%
(vii)	Minimum number of industrial units	:	6 units
(viii)	Total investments proposed (Amount in Rs.)	:	209.19 crores
(ix)	Investment on built up space for industrial use (Amount in Rs.)	:	124.96 crores
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rs.)	:	197.89 crores
(xi)	Proposed date of commencement of the Industrial Park	:	First Block—July, 2005 Second Block—November, 2005 Third Block—February, 2006.

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s. DLF Info City Developers (Kolkata) Limited, Gurgaon, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 80-IA of the Income-tax Act. 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. DLF Info City Developers (Kolkata) Limited, Gurgaon shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. DLF Info City Developers (Kolkata) Limited, Gurgaon, transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. DLF Info City Developers (Kolkata) Limited, Gurgaon, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 181/2006/F.No. 178/45/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 जुलाई, 2006

(आयकर)

का. आ. 2974.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के जरिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का. आ. 354 (अ) दिनांक 1 अप्रैल, 2002 के जरिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स श्यामराजू एण्ड कम्पनी (इंडिया) लिमिटेड, ''दिव्यश्री चैम्बर्स'' 'ए' विंग सं. II, 'ओ' शॉग्नेसी रोड, बैंगलोर-560025, ने एक औद्योगिक पार्क का विकास किया है, नामत: ''दिव्यश्री टॉवर्स'' 55/ए, बनेरघाटा रोड, गुरूपनपालय, बैंगलोर।

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 8-12-2005 के पत्र सं. 15/09/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब, इसलिए, उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स श्यामराजू एण्ड कम्पनी (इंडिया) लिमिटेड, बैंगलोर, द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स श्यामराजू एण्ड कम्पनी (इंडिया) प्राइवेट लिमिटेड, बैंगलोर द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : दिव्यश्री टावर्स
मैसर्स श्यामराजू एण्ड कम्पनी (इंडिया) लिमिटेड

(ii) प्रस्तावित स्थान : दिव्यश्री टावर्स
संख्या 55/ए, बनेरघाटा रोड,
गुरूपनपालय, बैंगलोर

(iii) औद्योगिक पार्क का कुल क्षेत्रफल : 1,04,126 स्क्वायर फीट

(iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	7	75	—	—	संचार सेवाएं
ख	8	89	892	—	डाटा प्रोसेसिंग साफ्टवेयर डेवलपमेंट एवं कम्प्यूटर कन्सल्टेन्सी सेवाएं
ग	8	89	893	—	व्यापार एवं प्रबंधन कंसल्टेंसी गतिविधियां
घ	8	89	894	—	वास्तुकला एवं इंजीनियरिंग एवं अन्य तकनीकी कंसल्टेंसी गतिविधियां
ङ	8	89	895	—	तकनीकी प्रयोग एवं विश्लेषण सेवाएं

(v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत	:	90.14%
(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत	:	9.86%
(vii) औद्योगिक यूनिटों की न्यूनतम संख्या	:	3 यूनिटें
(viii) प्रस्तावित कुल निवेश (राशि रुपए में)	:	2050 लाख
(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	800 लाख
(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	1915 लाख
(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि	:	1-4-2005

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथासमय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स श्यामराजू एण्ड कम्पनी (इंडिया) लिमिटेड, बैंगलोर, उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स श्यामराजू एण्ड कम्पनी (इंडिया) प्राइवेट लिमिटेड, बैंगलोर, ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यह मैसर्स श्यामराजू एण्ड कम्पनी (इंडिया) प्राइवेट लिमिटेड, बैंगलोर, (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स श्यामराजू एण्ड कम्पनी (इंडिया) प्राइवेट लिमिटेड, बैंगलोर किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 182/2006/फा.सं. 178/20/2006-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th July, 2006

(INCOME-TAX)

S.O. 2974.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for Industrial Park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006.

And whereas M/s. Shyamaraju & Company (India) Private Limited, 'Divyasree Chambers', 'A' Wing, No. 11, O'Shaugnessy Road, Bangalore-560025 has developed an Industrial Park namely, 'Divyasree Towers' at No. 55/A, Bannerghatta Road, Gurupanapalya, Bangalore;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry Letter No. 15/09/05-IP & ID dated 8-12-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking being developed and being maintained and operated by M/s. Shyamaraju & Company (India) Private Limited, Bangalore, as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Shyamaraju & Company (India) Private Limited, Bangalore.

1. (i) Name of the Industrial Undertaking : Divyasree Towers [Undertaking of M/s. Shyamaraju & Company (Inida) Private Limited]

(ii) Proposed location : Divyasree Towers, No. 55/A, Bannerghatta Road, Gurupanapalya, Bangalore.

(iii) Area of Industrial Park : 1,04,126 Square Feet

(iv) Proposed activities

Nature of Industrial activity with NIC Code					
S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	7	75	—	—	Communication Services
B	8	89	892	—	Data Processing software development and computer consultancy services
C	8	89	893	—	Business and management consultancy activities
D	8	89	894	—	Architectural and engineering and other technical consultancy activities
E	8	89	895	—	Technical testing and analysis services

(v)	Percentage of allocable area earmarked for industrial use	:	90.01%
(vi)	Percentage of allocable area earmarked for commercial use.	:	9.86%
(vii)	Minimum number of industrial units	:	3 Units
(viii)	Total investments proposed (Amount in Rs.)	:	2050 lakhs
(ix)	Investment on built up space for industrial use (Amount in Rs.)	:	800 lakhs
(x)	Investment on Infrastructure Development including investment on built up space for industrial use	:	1915 lakhs
(xi)	Proposed date of commencement of the Industrial Park	:	1-4-2005

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more state or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s. Shyamaraju & Company (India) Private Limited, Bangalore, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. Shyamaraju & Company (India) Private Limited, Bangalore, shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Shyamaraju & Company (India) Private Limited, Bangalore, transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Shyamaraju & Company (India) Private Limited, Bangalore, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 182/2006/F.No. 178/20/2006-ITA-I]

DEEPAK GARG, Under Secy.

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा ।

[अधिसूचना सं. 183/2006/फा.सं. 178/61/2006-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th July, 2006

(INCOME-TAX)

S.O. 2975.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. ICC Realty (India) Private Limited, having registered office at 1st Floor, Dubash House, 15, J. N. Heredia Marg, Ballard Estates, Mumbai-400001 is developing an Industrial Park namely, 'ICC Tech Park' at Survey No. 403, 403/A. Senapati Bapat Road, Pune, Maharashtra-411016;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/53/2005-IP & ID dated 13-4-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking being developed and being maintained and operated by M/s. ICC Realty (India) Private Limited, Mumbai, as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. ICC Realty (India) Private Limited, Mumbai.

1. (i) Name of the Industrial Undertaking : ICC Realty (India) Private Limited

(ii) Proposed location : ICC Tech Park, Survey No. 403, 403/A, Senapati Bapat Road, Pune, Maharashtra-411016

(iii) Area of Industrial Park : 10376.50 Square Meters (Land)
31,683 Square Meters (Built up area)

(iv) Proposed activities

Nature of Industrial activity with NIC code					
S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	7	75	—	—	Communication Services
B	8	89	892	—	Data Processing software development and computer consultancy services
C	8	89	893	—	Business and management consultancy activities
D	8	89	894	—	Architectural and engineering and other technical consultancy activities
E	8	89	895	—	Technical testing and analysis services

(v)	Percentage of allocable area earmarked for industrial use	:	90.00%
(vi)	Percentage of allocable area earmarked for commercial use	:	10.00%
(vii)	Minimum number of industrial units	:	3 Units
(viii)	Total investments proposed (Amount in Rs.)	:	5218 lakhs
(ix)	Investment on built up space for industrial use (Amount in Rs.)	:	3219 lakhs
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rs.)	:	5218 lakhs
(xi)	Proposed date of commencement of the Industrial Park	:	November, 2005

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty percent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s. ICC Realty (India) Private Limited, Mumbai, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. ICC Realty (India) Private Limited, Mumbai, shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. ICC Realty (India) Private Limited, Mumbai, transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. ICC Realty (India) Private Limited, Mumbai, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 183/2006/F. No. 178/61/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 14 जुलाई, 2006

(आयकर)

का. आ. 2976.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का. आ. 193 (अ) दिनांक 30 मार्च, 1999 के जरिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का. आ. 354 (अ) दिनांक 1 अप्रैल, 2002 के जरिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स आई सी सी रियालटी (इंडिया) प्राइवेट लिमिटेड, जिसका पंजीकृत कार्यालय प्रथम तल, डबाश हाऊस, 15, जे एन हरदिया मार्ग, बेल्लार्ड एस्टेट्स, मुम्बई-400001 में है, एक औद्योगिक पार्क का विकास कर रहा है, नामत: सर्वे सं. 403/ए/2, सेनापती बापत रोड, पुणे, महाराष्ट्र-411016 स्थित 'आई सी सी ट्रेड टावर्स पार्क'।

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 21-04-2006 के पत्र सं. 15/51/2005-आई पी एंड आई डी (दिनांक 24-4-2006 को वाणिज्य एवं उद्योग मंत्रालय द्वारा संशोधित) के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब, इसलिए, उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स आई सी सी रियालटी (इंडिया) प्राइवेट लिमिटेड, मुम्बई द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स आई सी सी रियालटी (इंडिया) प्राइवेट लिमिटेड, मुम्बई द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : आई सी सी ट्रेड टावर्स [मैसर्स आई सी सी रियालटी (इंडिया) प्राइवेट लिमिटेड, का उपक्रम]

(ii) प्रस्तावित स्थान : आई सी सी ट्रेड टावर्स, सर्वे सं. 403/ए/2, सेनापती बापत रोड, पुणे-411016

(iii) औद्योगिक पार्क का कुल क्षेत्रफल : 63516.58 स्क्वायर मीटर

(iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	7	75	—	—	संचार सेवाएं
ख	8	89	892	—	डाटा प्रोसेसिंग साफ्टवेयर डेवलपमेंट एवं कम्प्यूटर कन्सल्टेन्सी सेवाएं
ग	8	89	893	—	व्यापार एवं प्रबंधन कंसल्टेंसी गतिविधियां
घ	8	89	894	—	वास्तुकला एवं इंजीनियरिंग एवं अन्य तकनीकी कंसल्टेंसी गतिविधियां
ङ	8	89	895	—	तकनीकी प्रयोग एवं विश्लेषण सेवाए

(v) औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत	:	90.00%
(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत	:	10.00%
(vii) औद्योगिक यूनिटों की प्रस्तावित संख्या	:	5 यूनिटें
(viii) प्रस्तावित कुल निवेश (राशि रुपए में)	:	7425 लाख
(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	5517 लाख
(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	7425 लाख
(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि	:	जून, 2005

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलीकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।

4. दिनांक 1 अप्रैल, 2002 की का. आ. 354 (अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथासमय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स आई सी सी रियालटी (इंडिया) प्राइवेट लिमिटेड, मुम्बई उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स आई सी सी रियालटी (इंडिया) प्राइवेट लिमिटेड, मुम्बई ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यह मैसर्स आई सी सी रियालटी (इंडिया) प्राइवेट लिमिटेड, मुम्बई (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स आई सी सी रियालटी (इंडिया) प्राइवेट लिमिटेड, मुम्बई किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा।

[अधिसूचना सं. 184/2006/फा.सं. 178/62/2006-आ.क. नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 14th July, 2006

(INCOME-TAX)

S.O. 2976.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193 (E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006.

And whereas M/s. ICC Realty (India) Private Limited, having registered office at 1st Floor, Dubash House, 15, J. N. Heredia Marg, Ballard Estates, Mumbai-400001 is developing an Industrial Park namely, 'ICC Tech Park' at Survey No. 403/A, Senapati Bapat Road, Pune, Maharashtra-411016;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/51/2005-IP & ID dated 21-4-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking being developed and being maintained and operated by M/s. ICC Realty (India) Private Limited, Mumbai, as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. ICC Realty (India) Private Limited, Mumbai.

1. (i) Name of the Industrial Undertaking : ICC Trade Towers, [Undertaking of M/s. ICC Realty (India) Private Limited]

(ii) Proposed location : ICC Trade Towers, Survey No. 403/A/2, Senapati Bapat Road, Pune-411016

(iii) Area of Industrial Park : 63516.58 Square Meters

(iv) Proposed activities

Nature of Industrial activity with NIC code					
S.No.	NIC Code				Description
	Section	Division	Group	Class	
A	7	75	—	—	Communication Services
B	8	89	892	—	Data Processing software development and computer consultancy services
C	8	89	893	—	Business and management consultancy activities
D	8	89	894	—	Architectural and engineering and other technical consultancy activities
E	8	89	895	—	Technical testing and analysis services

(v)	Percentage of allocable area earmarked for industrial use	:	90.00%
(vi)	Percentage of allocable area earmarked for commercial use.	:	10.00%
(vii)	Minimum number of industrial units	:	5 Units
(viii)	Total investments proposed (Amount in Rs.)	:	7425 lakhs
(ix)	Investment on built up space for industrial use (Amount in Rs.)	:	5517 lakhs
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rs.)	:	7425 lakhs
(xi)	Proposed date of commencement of the Industrial Park	:	June, 2005

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entitly for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1 (vii) of this Notification, are located in the Industrial Park.

7. M/s. ICC Realty (India) Private Limited, Mumbai, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.

9. The approval will be invalid and M/s. ICC Realty (India) Private Limited, Mumbai, shall be solely responsible for any repercussions of such invalidity, if

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the industrial park for which approval has already been accorded in the name of another undertaking.

10. This case was approved by Empowered Committee, subject to the condition that income tax benefit, if any availed by the undertaking under the Industrial Park Scheme before the approval, should be refunded in full with all dues.

11. In case M/s. ICC Realty (India) Private Limited, Mumbai, transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

12. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. ICC Realty (India) Private Limited, Mumbai, fails to comply with any of the conditions.

13. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 184/2006/F.No. 178/62/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 26 जुलाई, 2006

(आयकर)

का. आ. 2977.—सर्व साधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 'विश्वविद्यालय, कॉलेज अथवा अन्य संस्था' की श्रेणी के अन्तर्गत दिनांक 1-4-2003 से दिनांक 31-3-2006 तक की अवधि के लिए मैसर्स लोकमान्य मेडिकल रिसर्च सेंटर, चिंचवाड़, पुणे जो अंशतः अनुसंधान कार्य-कलापों में कार्यरत है, (और न कि अनुसंधान के लिए एकमात्र मौजूद 'वैज्ञानिक अनुसंधान संघ' के रूप में है), को निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

(i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।

(ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।

(iii) यह संगठन उपर्युक्त पैरा (ii) में संदर्भित आय एवं व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण पत्र भी संलग्न करेगा :—

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस विनिर्दिष्ट राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35(1)(ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 197/2006/फा.सं. 203/25/2005-आयकर नि.-II]

रेनू जौहरी, निदेशक (आ.क.नि.-II)

New Delhi, the 26th July, 2006

INCOME-TAX

S.O. 2977.—It is hereby notified for general information that the organization M/s. Lokmanya Medical Research Centre, Chinchwad, Pune has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 for the period from 1-4-2003 to 31-3-2006 under the category 'University, College or other Institution' partly engaged in research activities (and not as a 'scientific research association' existing solely for research) subject to the following conditions :—

(i) The approved organization shall maintain separate accounts for its research activities.

(ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure Account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.

(iii) The approved organization shall also enclose with the Income & Expenditure Account referred to in paragraph (ii) above, a certificate from the auditor :—

(a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.

(b) certifying that the expenditure incurred was for scientific research.

[Notification No. 197/2006/F. No. 203/25/2005-ITA-II]

RENU JAUHRI, Director (ITA-II)

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 27 जुलाई, 2006

का. आ. 2978.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में कर्षण मशीन कारखाना, नासिक रोड, मध्य रेलवे को जहां 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्द्वारा अधिसूचित करता है।

[सं. हिंदी-2006/रा.भा. 1/12/1]

कृष्णा शर्मा, संयुक्त निदेशक (रा.भा.)

MINISTRY OF RAILWAYS

(RAILWAY BOARD)

New Delhi, the 27th July, 2006

S.O. 2978.—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the official purposes of the Union) hereby notify the Traction Machine Workshop, Nasik Road of Central Railway where more than

80% Officers/Employees have acquired the working knowledge of Hindi.

[No. Hindi-2006/O.L.1/12/1]
KRISHNA SHARMA, Jt. Director (O.L)

विदेश मंत्रालय

(सी.पी.वी. डिवीजन)

नई दिल्ली, 6 जुलाई, 2006

का. आ. 2979.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा भारत का प्रधान कौंसलावास, ह्यूस्टन में श्री राजीव चितकारा, सहायक को 06-07-2006 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2006]

एस.एन.वी. रामन्ना राव, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. DIVISION)

New Delhi, the 6th July, 2006

S.O. 2979.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Rajiv Chitkara, Assistant in the Consulate General of India, Houston to perform the duties of Assistant Consular Officer with effect from 06-07-2006.

[No. T-4330/01/2006]
S.N.V. RAMANA RAO, Under Secy. (Cons.)

संचार एवं सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

(डाक जीवन बीमा निदेशालय)

नई दिल्ली, 10 जुलाई, 2006

का. आ. 2980.—राष्ट्रपति एतद्द्वारा डाकघर बीमा निधि नियमावली के नियम 21 के नीचे वाली टिप्पणी-1 को प्रतिस्थापित करते हैं जो निम्नलिखित के अनुसार है :—

संबंधित चिकित्सा अधिकारी प्रत्येक मेडिकल जाँच-पड़ताल के लिए निम्नलिखित दरों पर शुल्क प्राप्त करेंगे :—

क्रम संख्या	प्रस्ताव के लिए बीमित धनराशि की मात्रा	देय शुल्क
(i)	3 लाख रु. तक की बीमित धनराशि के लिए	30 रु. (तीस रुपये) प्रति प्रस्तावक
(ii)	3 लाख रु. से अधिक और 5 लाख रु. तक की बीमित धनराशि के लिए	35 रु. (पैंतीस रुपये) प्रति प्रस्तावक
(iii)	5 लाख रु. से अधिक बीमित धनराशि के लिए	40 रु. (चालीस रुपये) प्रति प्रस्तावक

2. इसे सचिव (डाक) के अनुमोदन से जारी किया जाता है।

[सं. 22-2/85-एल आई (वाल्यूम-II)]
वी. पती, अपर महाप्रबंधक (डा. जी. बी.)

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Posts)

(DIRECTORATE OF PLI)

New Delhi, the 10th July, 2006

S.O. 2980.—The President is hereby pleased to substitute the Note-1 below Rule 21 of POIF Rules as under :—

The Medical Officer concerned will receive a fee for each medical examination at the following rates :—

Sl. No.	Amount of sum assured for a proposal	Amount of fees payable
(i)	Up to the sum assured of Rs. 3 lacs	Rs. 30 (Rs. Thirty) per proponent
(ii)	Above Rs. 3 lacs and upto Rs. 5 lacs of sum assured	Rs. 35 (Rs. Thirty Five) per proponent.
(iii)	Above Rs. 5 lacs of sum assured.	Rs. 40 (Rs. Forty) per proponent

2. This issues with the approval of Secretary (Posts).
3. Hindi version will be issued separately.

[No. 22-2/85-LI (Vol-II)]
V. PATI, Addl. General Manager (PLI)

पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय

(पोत परिवहन विभाग)

नई दिल्ली, 26 जुलाई, 2006

का. आ. 2981.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उप नियम 4 के अनुसरण में पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय, पोत परिवहन विभाग के प्रशासनिक नियंत्रण के अधीन निम्नलिखित कार्यालय में 80% से अधिक कर्मचारियों द्वारा हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लेने पर उसे एतद्द्वारा अधिसूचित करती है :—

समुद्री वाणिज्य विभाग,
हैडलेंड सडा, गोवा-403804

[फा. सं. ई-11011/1/2000-हिन्दी]

अजय कुमार भल्ला, संयुक्त सचिव

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Shipping)

New Delhi, the 26th July, 2006

S.O. 2981.—In pursuance of the sub rule (4) of the rule 10 of the Official Language (use for the official purpose of the Union) Rules, 1976 (as amended 1987), the Central Government hereby notifies the following office under the

administrative control of the Ministry of Shipping, Road Transport and Highways, Department of Shipping, more than 80% of the staff of which have acquired working knowledge of Hindi :—

Mercantile Marine Department,
Headland, Sada, Goa-403 804

[F. No. E-11011/1/2000-Hindi]
A. K. BHALLA, Jt. Secy.

कृषि एवं ग्रामीण उद्योग मंत्रालय

नई दिल्ली, 21 जुलाई, 2006

का. आ. 2982.—केन्द्रीय सरकार, राजभाषा नियम, 1976 के (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 10 के उप-नियम (4) के अनुसरण में कृषि एवं ग्रामीण उद्योग मंत्रालय के नियंत्रणाधीन खादी एवं ग्रामोद्योग आयुक्त कार्यालय, मुम्बई के निम्नलिखित कार्यालय में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप उन्हें एतद्द्वारा अधिसूचित करती है :

1. राज्य कार्यालय, खादी और ग्रामोद्योग आयुक्त, नई दिल्ली

[सं. ई-12016/1/2005-हिन्दी]

प्रवीर कुमार, संयुक्त सचिव

MINISTRY OF AGRO & RURAL INDUSTRIES

New Delhi, the 21th July, 2006

S.O. 2982.—In pursuance of the Sub-rule (4) of the Rule 10 of the Official Languages (use for the Official Purpose of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Commissioner for Khadi & Village Industries, Mumbai under control of the Ministry of ARI where the percentage of Hindi knowing staff has gone above 80%.

1. State office, Office of the Commissioner for Khadi & Village Industries, New Delhi.

[No. E-12016/01/2005-Hindi]
PRAVIR KUMAR, Jt. Secy.

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 18 जुलाई, 2006

का. आ. 2983.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में कृषि एवं सहकारिता विभाग, कृषि मंत्रालय के प्रशासनिक नियंत्रणाधीन स्वायत्त संगठन नारियल विकास बोर्ड, कोची के निम्नलिखित इकाई कार्यालयों को जिसके 80% कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. नारियल विकास बोर्ड,
   राज्य केन्द्र, ए-23(269),
   तीसरी स्ट्रीट, पहली लाइन,
   इंडियन एयरलाइन्स कॉलोनी,
   बेगमपेट,
   सिकंदराबाद-500 003
2. नारियल विकास बोर्ड,
   राज्य केन्द्र,
   उ.पू. राज्य कार्यालय/प्रशिक्षण/प्रोद्योगिकी केन्द्र,
   हाउसफेड कॉम्पलेक्स (छठा तल),
   बेलटोला रोड, लास्ट गेट, दिसपुर,
   गुवाहटी-781 006
3. नारियल विकास बोर्ड,
   बाजार विकास सह सूचना केन्द्र,
   120, हरगोबिन्द एनक्लेव,
   दिल्ली-110 092
4. नारियल विकास बोर्ड,
   प्रदर्शन सह बीज उत्पादन फार्म,
   पुरागाँव, लोकसारा (डाक),
   माण्डया जिला,
   कर्नाटक-571 403
5. नारियल विकास बोर्ड,
   प्रदर्शन सह बीज उत्पादन फार्म,
   कोंडागाँव-494 226
   बस्तर जिला,
6. नारियल विकास बोर्ड,
   प्रदर्शन सह बीज उत्पादन फार्म,
   अभयपुरी, बोंगेगाँव,
   असम-783 384
7. नारियल विकास बोर्ड,
   प्रदर्शन सह बीज उत्पादन फार्म,
   पित्तापल्ली, डाक कुमरबस्ता,
   खुर्दा जिला-752 055
8. नारियल विकास बोर्ड,
   प्रदर्शन सह बीज उत्पादन फार्म,
   नेर्यमंगलम,
   पिन-686 693

[सं. 3-2/2002-हिन्दी नीति]
पी. के. जलाली, संयुक्त सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 18th July, 2006

S.O. 2983.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following unit offices of the Coconut Development Board, Kochi, Autonomous Body under the Administrative Control of the Department of Agriculture and Cooperation,

Ministry of Agriculture, 80% staff whereof have acquired the working knowledge of Hindi :—

1. Coconut Development Board,
   State Centre A-23 (269),
   IIIrd Street, Ist line,
   Indian Airlines Colony,
   Begumpet,
   Secundrabad-500 003.
2. Coconut Development Board,
   State Centre,
   N.E. States Office/Training/
   Technology Centre
   Housefed Complex (Sixth Floor),
   Beltola Road, Last Gate,
   Dispur,
   Guwahati-781 006
3. Coconut Development Board,
   Market Development-cum-
   Information Centre,
   120, Hargobind Enclave,
   Delhi-110 092
4. Coconut Development Board,
   Demonstration-cum-Seed Production Farm,
   Pura Village,
   Loksara P.O. Mandya Distt.
   Karnataka-571 403
5. Coconut Development Board,
   Demonstration-cum-Seed
   Production Farm,
   Kondagaon-494 226
   Bastar Distt.
6. Coconut Development Board,
   Demonstration-cum-Seed
   Production Farm
   Abhayapuri, Bongaigoan,
   Assam-783 384
7. Coconut Development Board,
   Demonstration-cum-Seed
   Production Farm,
   Pitapally, Post Kumarbasta
   Distt. Khurda-752 055
8. Coconut Development Board,
   Demonstration-cum-Seed
   Production Farm,
   Neriyamangalam-686 693

[No. 3-2/2002-Hindi Neeti]
P. K. JALALI, Jt. Secy.

(पशुपालन, डेयरी और मत्स्यपालन विभाग)

नई दिल्ली, 24 जुलाई, 2006

का. आ. 2984.—सरकारी परिसर (अनाधिकृत अतिक्रमण को हटाना) अधिनियम, 1971 (1971 का 40) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार नीचे दिए गए कालम (1) में उल्लिखित अधिकारियों को, केन्द्र सरकार के श्रेणी 'क' अधिकारी होने के नाते, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करते हैं, जो प्रदत्त शक्तियों का प्रयोग करते हुए उक्त सारणी के कालम (2) में विनिर्दिष्ट परिसरों के संबंध में, उक्त अधिनियम के अंतर्गत सम्पदा अधिकारी के कार्यों का निष्पादन करेंगे।

सारणी

अधिकारी का पदनाम	सरकारी परिसरों की श्रेणी और अधिकार क्षेत्र की स्थानीय सीमाएं
1. निदेशक, केन्द्रीय कुक्कुट विकास संगठन (उत्तरी क्षेत्र), औद्योगिक क्षेत्र, फेस-1, चंडीगढ़-160 002	औद्योगिक क्षेत्र, फेस-1, चंडीगढ़-160002 में स्थित पशुपालन, डेयरी और मत्स्यपालन विभाग, कृषि मंत्रालय का केन्द्रीय कुक्कुट विकास संगठन (पूर्वी क्षेत्र) का परिसर
2. निदेशक, केन्द्रीय कुक्कुट विकास संगठन (पूर्वी क्षेत्र), भुवनेश्वर-751 012	भुवनेश्वर-751 012 में स्थित पशुपालन, डेयरी और मत्स्यपालन विभाग, कृषि मंत्रालय का केन्द्रीय कुक्कुट विकास संगठन (पूर्वी क्षेत्र) का परिसर
3. निदेशक, केन्द्रीय कुक्कुट विकास संगठन (दक्षिणी क्षेत्र), हैस्सरघट्टा, बंगलौर-560.088	हैस्सरघट्टा, बंगलौर-560 088 में स्थित पशुपालन, डेयरी और मत्स्य-पालन विभाग, कृषि मंत्रालय का केन्द्रीय कुक्कुट विकास संगठन (दक्षिणी क्षेत्र) का परिसर
4. निदेशक, केन्द्रीय कुक्कुट विकास संगठन (पश्चिमी क्षेत्र), अरें दुग्ध कालोनी, मुम्बई-400 065	अरें दुग्ध कालोनी, मुम्बई-400 065 में स्थित पशुपालन, डेयरी और मत्स्यपालन विभाग, कृषि मंत्रालय का केन्द्रीय कुक्कुट विकास संगठन (पश्चिमी क्षेत्र) का परिसर।

[फा. सं. 23-1/2005-प्रशा.-III]

के. एस. चन्द्रहासन, उप सचिव

(Department of Animal Husbandry, Dairying and Fisheries)

New Delhi, the 24th July, 2006

S.O. 2984.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the table below, being Group-A Officers of the Central Government, to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act, in respect of the premises specified against them in column (2) of the said table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
1. Director, Central Poultry Development Organisation (Northern Region), Industrial Area, Phase-I, Chandigarh-160 002.	Premises of the Central Poultry Development Organisation (Northern Region) situated at Industrial Area, Phase-I, Chandigarh-160 002 belonging to the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture.
2. Director, Central Poultry Development Organisation (Eastern Region), Bhubaneswar-751 012.	Premises of the Central Poultry Development Organisation (Eastern Region) situated in Bhubaneswar-751 012 belonging to the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture.
3. Director, Central Poultry Development Organisation (Southern Region), Hessarghatta, Bangalore-560 088.	Premises of the Central Poultry Development Organisation (Southern Region) situated at Hessarghatta, Bangalore-560 088 belonging to the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture.
4. Director, Central Poultry Development Organisation (Western Region), Aarey Milk Colony, Mumbai-400 065.	Premises of the Central Poultry Development Organisation (Western Region), situated at Aarey Milk Colony, Mumbai-400 065 belonging to the Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture.

[F. No. 23-1/2005-Admn. III]

K. S. CHANDRAHASAN, Dy. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 1 अगस्त, 2006

का. आ. 2985.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 1798, तारीख 12 मई, 2005 का आशोधन करते हुए, उक्त अधिनियम के अधीन, राष्ट्रीय राजधानी राज्यक्षेत्र, दिल्ली के भीतर, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की मुंद्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के लिए सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए श्री शैलेन्द्र सिंह, डानिक्स, एस. डी. एम. (नजफगढ़), राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार को, उनके अपने कार्यभार के साथ-साथ, प्राधिकृत करती है।

[फा. सं. आर-31015/6/2004-ओ. आर.-II]

ए. गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 1st August, 2006

S.O. 2985.—In pursuance of the clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in modification of notification of the Government of India in Ministry of Petroleum and Natural Gas S.O. 1798 dated the 14th May, 2005, the Central Government hereby authorizes Shri Shailendra Singh, DANICS, SDM (Najafgarh), Government of NCT of Delhi to perform the functions of the competent authority for Mundra-Delhi Petroleum Product Pipeline of Hindustan Petroleum Corporation Limited, in addtion to his own duties, under the said Act, within the territory of NCT of Delhi.

[F. No. R-31015/6/2004-O.R. II]

A. GOSWAMI, Under Secy.

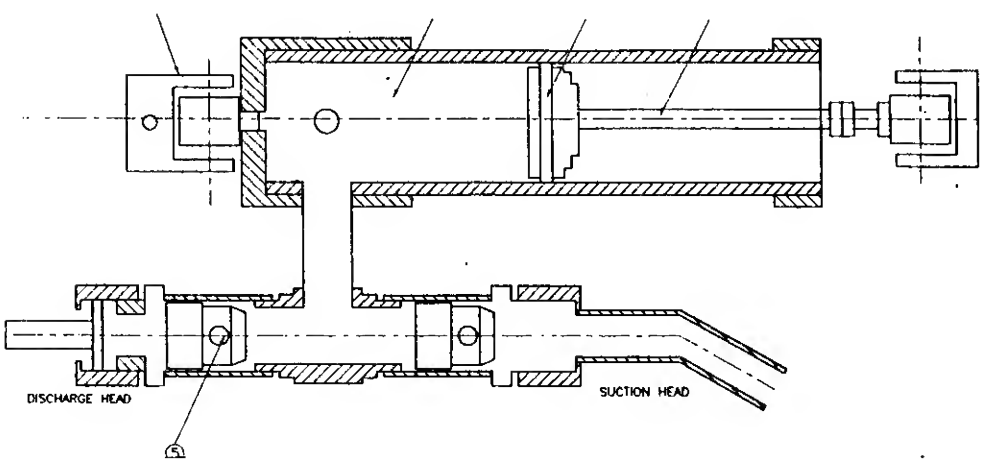
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 29 जून, 2006

का. आ. 2986.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हिन्दुस्तान लीवर लि., 165/166, बैकबे रिक्लेमेशन, मुम्बई-400020, महाराष्ट्र द्वारा विनिर्मित ''मिडास'' श्रृंखला की स्वचालित भरण मशीन के मॉडल का, जिसके ब्राण्ड का नाम ''मिडास'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/580 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल स्वचालित भरण मशीन है। इसकी अधिकतम क्षमता रेंज 17 ग्रा. है इसकी अधिकतम भरण दर 36 भरण प्रति मिनट है। मशीन को पेट्रोलियम जैली, बॉडी लोशन, वैसलीन, तेल इत्यादि जैसे विस्कास तरल उत्पादों को भरने के लिए डिजाइन किया गया है। यह 230 वोल्ट (ए सी) और 50 हर्ट्ज एकल विद्युत प्रदाय पर संचालित होता है और समय पर आधारित घनत्व बहाव सिद्धान्त, जिसके लिए परिनालिका वाल्वों का उपबंध है, पर कार्य करता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन स्वचालित भरण मशीन भी होंगी जो 10 ग्रा. से 18 ग्रा. तक या समतुल्य की अधिकतम क्षमता की रेंज वाली हैं।

[फा.सं. डब्ल्यू एम-21 (290)/2002]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

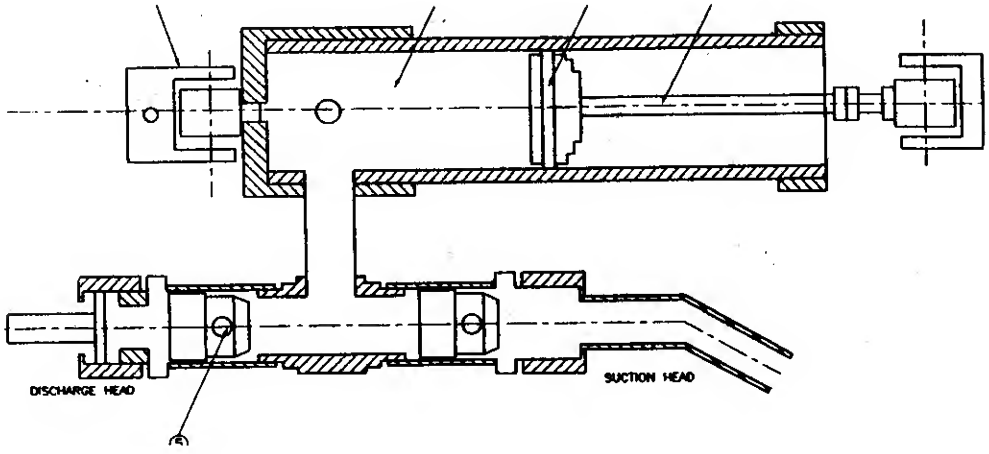
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 29th June, 2006

S.O. 2986.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine of 'MIDAS' series with brand name "MIDAS" (hereinafter referred to as the said model), manufactured by M/s Hindustan Lever Ltd, I65/I66, Backbay Reclamation, Mumbai-400 020, Maharastra and which is assigned the approval mark IND/09/03/580;



The said model is an automatic filling machine with 6 nozzles. Its maximum capacity range is 17g. It has a maximum fill rate of 36 fills per minute. The machine is designed for filling viscous liquids products like petroleum jelly, body lotion, Vaseline, oils etc. It operates on 230V AC and 50Hz single phase power supply and works on time based gravity flow principle for which solenoid valves are provided.

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with the maximum capacity in the range of 10g to 18g or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

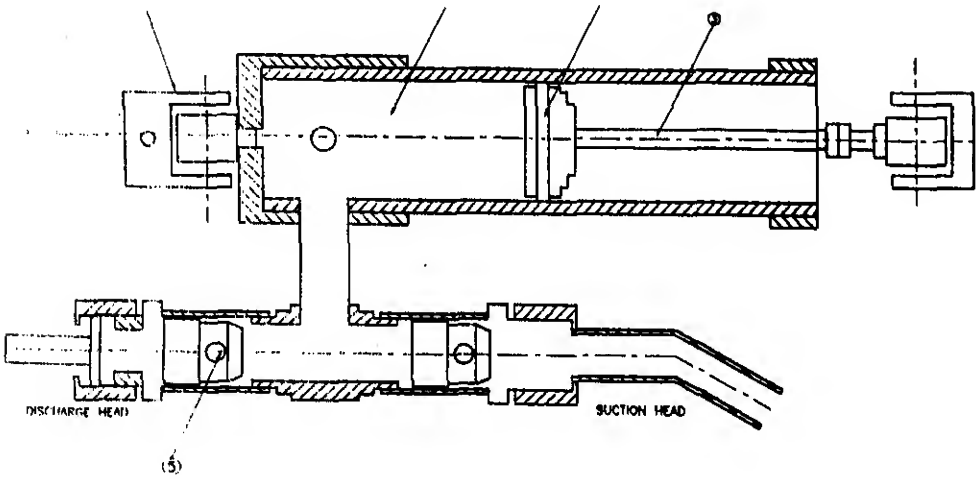
[F.No. WM-21 (290)/2002]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2987.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हिन्दुस्तान लीवर लि., 165/166, बैकबे रिक्लेमेशन, मुम्बई-400020, महाराष्ट्र द्वारा विनिर्मित "भुवनेश्वरी" शृंखला की स्वचालित भरण मशीन (पिस्टन भरक) के मॉडल का, जिसके ब्राण्ड का नाम "भुवनेश्वरी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/579 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल 4 नॉजल सहित एक स्वचालित भरण मशीन (पिस्टन भरक) है। इसकी अधिकतम क्षमता रेंज 70 ग्रा. है इसकी अधिकतम भरण दर 36 भरण प्रतिमिनट है। मशीन को पेट्रोलियम जैली, बॉडी लोशन, वैसलीन, तेल इत्यादि जैसे विस्कास तरल उत्पादों को भरने के लिए डिजाइन किया गया है। यह 440 वोल्ट (ए सी) और 50 हट्र्ज तीन फेज विद्युत प्रदाय पर कार्य करता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन स्वचालित भरण मशीन भी होगी जो 10 ग्रा. से 75 ग्रा. तक की अधिकतम क्षमता की रेंज वाली हैं।

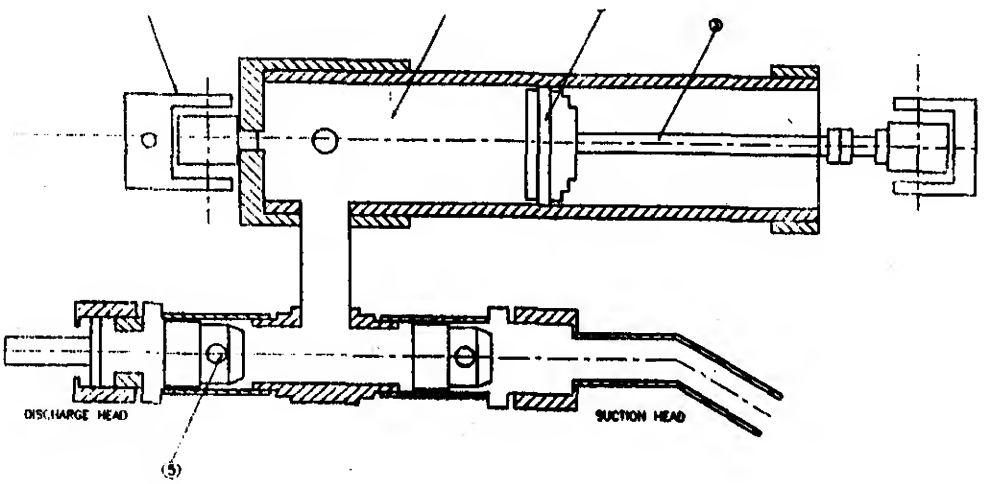
[फा.सं. डब्ल्यू एम-21 (290)/2002]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2987.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine of (Piston Filler) of 'BHUVANESHWARI' series with brand name "BHUVANESHWARI" (hereinafter referred to as the said model), manufactured by M/s Hindustan Lever Ltd, 165/166, Backbay Reclamation, Mumbai-400 020, Maharastra and which is assigned the approval mark IND/09/03/579;



The said model is an automatic filling machine (Piston Filler) with 4 nozzles. Its maximum capacity range is 70g. It has a maximum fill rate of 36 fills per minute. The machine is designed for filling viscous liquids products like petroleum jelly, body lotion, Vaseline, oils etc. It operates on 440V AC and 50Hz three phase power supply.

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with the maximum capacity in the range of 10g to 75g or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

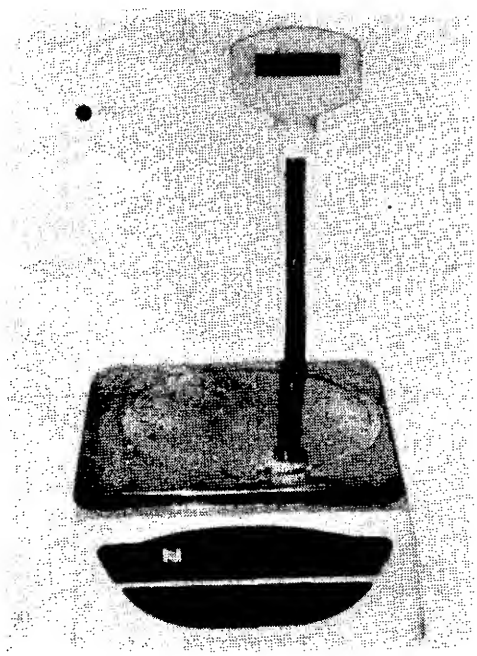
[F.No. WM-21 (290)/2002]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2988.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स उमा इंडस्ट्रीज, ए-103, प्रताप अपार्टमेंट, कारटर, रोड नं. 3, अम्बाजी मन्दिर के पास, बोरीवली (ईस्ट), मुम्बई-400066 द्वारा विनिर्मित उच्च (यथार्थता वर्ग II) वाले "पी एफ टी-30 के" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का जिसके ब्रांड का नाम "परफैक्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/333 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्राम से 50 मि. ग्राम तक 'ई' मान के लिए 100 से 5000 तक के रेंज में सत्यापन अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

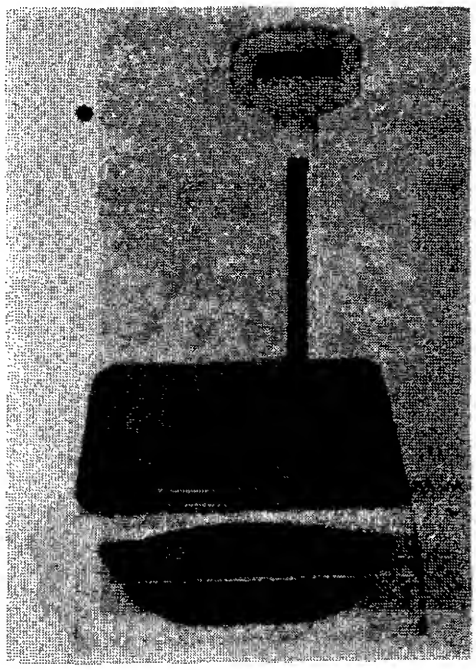
[फा.सं. डब्ल्यू एम-21 (268)/2003]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2988.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby issued and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "PET-30K" series of high accuracy (Accuracy class-II) and with brand name "PERFECT" (hereinafter referred to as the said model), manufactured by M/s Uma Industries, A-103, Pratap Apartment, Carter Road No. 3, Near Ambaji Temple, Borivali (E), Mumbai-400066 and which is assigned the approval mark IND/09/06/333;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate shall also be done to prevent operating of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of the section 36 of the said Act, Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50kg and with number of vertification scale interval (n) in the range of 100 to 5000 for 'e' value of 1 mg to 50 mg and with number of vertification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k, or 5×10^k, k being the positive or negtive whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

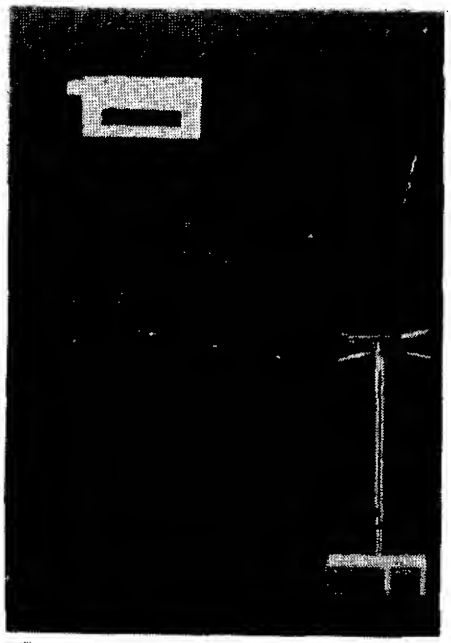
[F.No. WM-21 (268)/2003]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2989.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स उमा इंडस्ट्रीज, ए-103, प्रताप अपार्टमेंट, कारटर, रोड नं. 3, अम्बाजी मन्दिर के पास, बोरीवली (ईस्ट), मुम्बई-400066 द्वारा विनिर्मित उच्च (यथार्थता वर्ग II) वाले "पी एफ पी-500 के" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम "परफैक्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/334 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्राम है। इसमें एक आधेयतुल्य युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k} के है, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

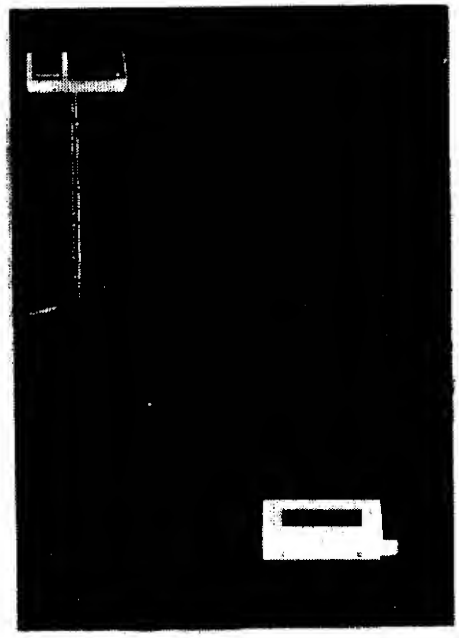
[फा.सं. डब्ल्यू एम-21 (268)/2003]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2989.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "PFP-500K" series of medium accuracy (Accuracy class-II) and with brand name "PERFECT" (hereinafter referred to as the said model), manufactured by M/s Uma Industries, A-103, Pratap Apartment, Carter Road No. 3, Near Ambaji Temple, Borivali (E), Mumbai-400066 and which is assigned the approval mark IND/09/06/334;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 500 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate shall also be done to prevent operating of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and upto 1000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k, or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

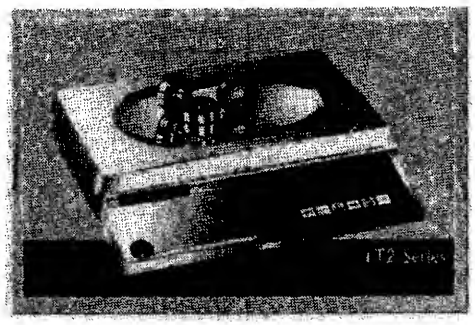
[F. No. WM-21 (268)/2003]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2990.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हारवेस्ट इलैक्ट्रानिक्स लिमिटेड, 311/312 वाडाला उद्योग भवन, नयागांव क्रॉस रोड, वाडाला, मुम्बई-400 031 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'टी टी-2' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'एटको' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/153 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 24 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक 'ई' मान के लिए 100 से 5,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21 (279)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2990.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (table top type) with digital indication of "TT-2" series of high accuracy (Accuracy class-II) and with brand name "ATCO" (hereinafter referred to as the said model), manufactured by M/s Harvest Electronics Limited, 311/312, Wadala Udyog Bhavan, Naigoan Cross Road, Wadala, Mumbai-400031 and which is assigned the approval mark IND/09/06/153;

The said model is a strain gauge type load cell based non-automatic weighing instrument (table top type) with a maximum capacity of 24 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices. The said model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. or alteration of any other type before or after sales in India.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k, or 5×10^k, k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

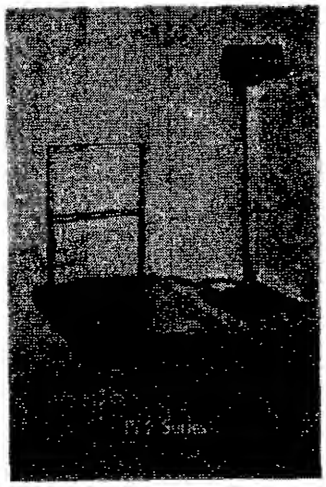
[F.No. WM-21 (279)/2005]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2991.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हारवेस्ट इलैक्ट्रानिक्स लिमिटेड, 311/312 वाडाला उद्योग भवन, नयागांव क्रॉस रोड, वाडाला, मुम्बई-400 031 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले 'पी एफ-2' श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'एटको' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/154 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 500 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 150 कि.ग्रा. तक 10 ग्रा. है और 150 कि.ग्रा. से अधिक तथा 300 कि.ग्रा. तक 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पूर्व अथवा पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन सहित 50 कि.ग्रा. से 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

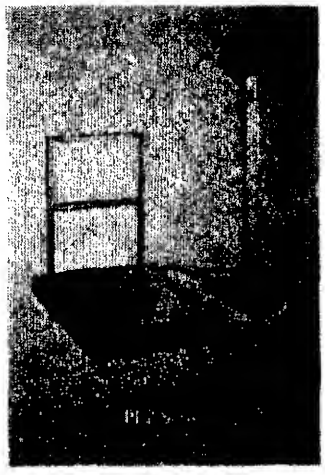
[फा.सं. डब्ल्यू एम-21 (279)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2991.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "PF-2" series of high accuracy (Accuracy Class-II) and with brand name "ATCO" (hereinafter referred to as the said model), manufactured by M/s. Harvest Electronics Limited, 311/312, Wadala Udyog Bhavan, Naigaon Cross Road, Wadala, Mumbai-400 031 and which is assigned the approval mark IND/09/06/154;



The said model is a strain gauge type load cell based dual range non-automatic weighing instrument (Platform type) with a maximum capacity of 300 kg and minimum capacity of 500g. The verification scale interval (e) upto 150 kg is 10g and upto 300kg is 20 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices. The said model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. or alteration of any other type before or after sales in India.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 50kg to 1000 kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k, or 5×10^k, k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

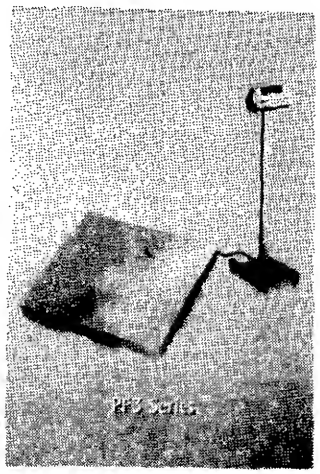
[F.No. WM-21 (279)/2005]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2992.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हारवेस्ट इलैक्ट्रानिक्स लिमिटेड, 311/312 वाडाला उद्योग भवन, नयागांव क्रॉस रोड, वाडाला, मुंबई-400031 द्वारा निर्मित मध्यम यर्थाथता (यथार्थता वर्ग III) वाले "पी एफ-3" शृंखला के अंकक सूचन सहित, स्वतःसूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'एटको' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/155 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (दोहरी रेंज वाला प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 6000 कि. ग्रा. और न्यूनतम क्षमता 10 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 300 कि. ग्रा. तक 500 ग्रा. है और 3000 कि. ग्रा. से अधिक तथा 6000 कि. ग्रा. तक 1000 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से 6000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

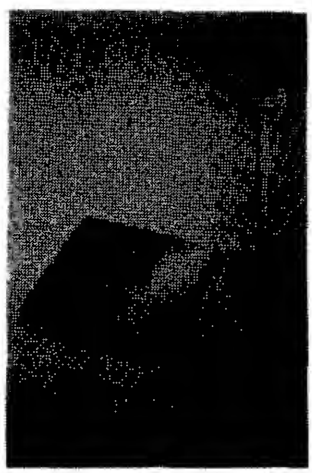
[फा.सं. डब्ल्यू एम-21 (279)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2992.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weightδ and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "PF-3" series of medium accuracy (Accuracy class-III) and with brand name "ATCO" (hereinafter referred to as the said model), manufactured by M/s. Harvest Electronics Limited, 311/312, Wadala Udyog Bhavan, Naigaon Cross Road, Wadala, Mumbai-400031 and which is assigned the approval mark IND/09/06/155;



The said model is a strain gauge type load cell based dual range weighing instrument with a maximum capacity of 6000 kg and minimum capacity of 10 kg. The verification scale interval (e) upto 3000 kg is 500 g and above 3000 kg and upto 6000 kg is 1000 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices. The said model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. or alteration of any other type before or after sales in India.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and up to 6000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (279)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2993.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लिक्विड कंट्रोल इंडिया प्राइवेट लिमिटेड, 231-1 एंड 2, पोर रामान्नामदी, जी आई डी सी इंडस्ट्रियल एरिया, पोर-391243, जिला बड़ौदा, गुजरात द्वारा विनिर्मित प्रूविंग मैशर के मॉडल का जिसके ब्रांड का नाम "लिक्विड कंट्रोल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/970 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति देखें) एक प्रूविंग मैशर उपकरण है। इसकी अधिकतम क्षमता 2000 लीटर है और न्यूनतम क्षमता 500 मि. ली. है। प्रूविंग मैशर वाहनों के फ्लो मीटर या टैंकों के अंशशोधन का उपकरण है। निचले भाग में ड्रेन वाल्व दिया गया है, ऊपरी हिस्से में ग्लॉस प्लेट दी गई है जिस पर नॉमिनल क्षमता के अनुरूप स्केल मार्क्स है और नॉमिनल क्षमता जो धनात्मक और ऋणात्मक के 1% का न्यूनतम परिवर्तन है। प्रूविंग मैशर के लिक्विड के तापमान को नापने के लिए साधन प्रदान किए गए हैं। इसमें गुड हीट कंडक्टिविटी सहित धातु में 3 थर्मामीटर स्थापित किए जाते हैं जिसको एक तरफ से बंद रखा जाता है।

स्टाम्पिंग प्लेट को मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते यह हुए घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन प्रूविंग मैशर भी होंगे जिनकी रेंज 50 लीटर से 500 लीटर तक है।

[फा.सं. डब्ल्यू एम-21 (205)/2005]

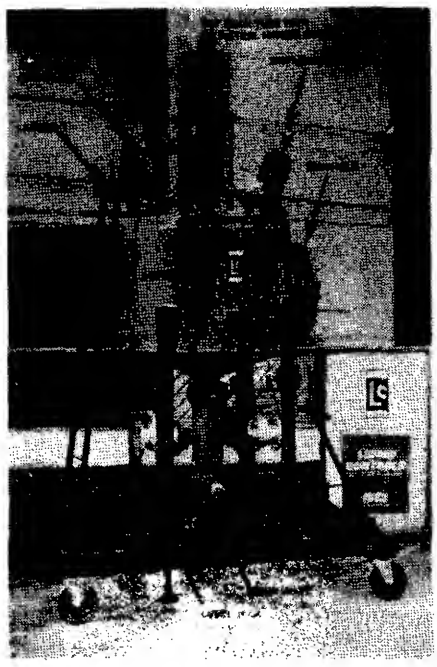
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2993.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Proving Measure with brand name "LIQUID CONTROLS" (hereinafter referred to as the said Model), manufactured by M/s. Liquid Controls India Pvt. Ltd., 231-1 and 2, Por-Ramangamdi, GIDC Industrial Area, Por-391243, Distt. Baroda, Gujarat and which is assigned the approval mark IND/09/2005/970;

The said model is proving measure with a maximum capacity of 2000 litre and least count 500 ml. Proving measure is a device to calibrate flow meters or tanks on the vehicle. It is provided with drain valve at the bottom part, the top neck is provided with glass plate on which scale marks corresponding to the nominal capacity and to at least variation of 1% of the nominal capacity in plus and in minus. The proving measure is provided with means for measuring the temperature of the liquid it contains three numbers of thermometers are installed in metal socket with good heat conductivity having one end closed.



In addition to sealing stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the proving measures of similar make, accuracy and performance with maximum capacity in the range of 50 litre and upto 5000 litre manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

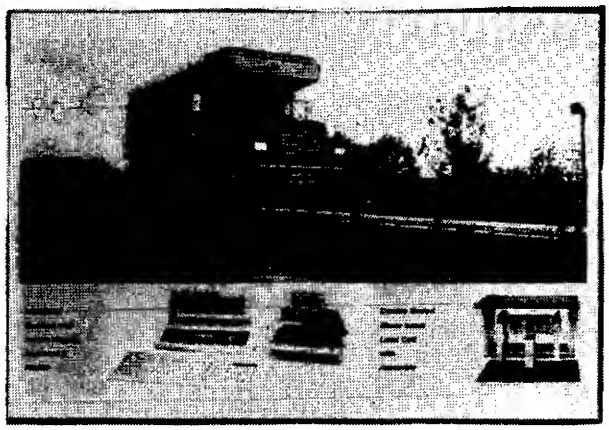
[F.No. WM-21 (205)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2994.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पूनावाला इलैक्ट्रो वे, चक्कापिरनी गली, लाल गेट, दरगाह के बाद, सूरत, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'पी. ई. डब्ल्यू. पी.—डब्ल्यू. बी—30' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का जिसके ब्रांड का नाम 'गिल' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/358 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

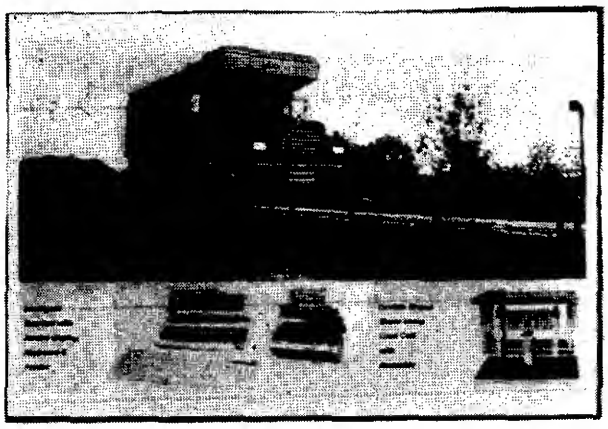
[फा.सं. डब्ल्यू एम-21 (128)/2006]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2994.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (weighbridge type) with digital indication belonging to medium accuracy (Accuracy class III) of "PEWP-WB 30" series with brand name "GILL" (herein after referred to as the said model), manufactured by M/s. Poonawala Electro Weigh, Chhakapirni Gali, Lal Gate, Next to Dargah, Surat, Gujarat and which is assigned the approval mark IND/09/06/358;



The said model is a strain gauge type load cell based non-automatic weighing instrument (weighbridge type) with a maximum capacity of 30 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply. The load cell is of strain gauge type.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more with 'e' value 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

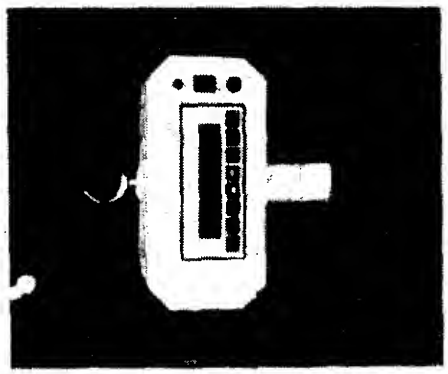
[F.No. WM-21 (128)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2995.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पूनावाला इलैक्ट्रो वे, चक्कापिरनी गली, लाल गेट, दरगाह के बाद, सूरत, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'पी. ई. डब्ल्यू. एच.-2000' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का जिसके ब्रांड का नाम 'गिल' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/359 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (क्रेन प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

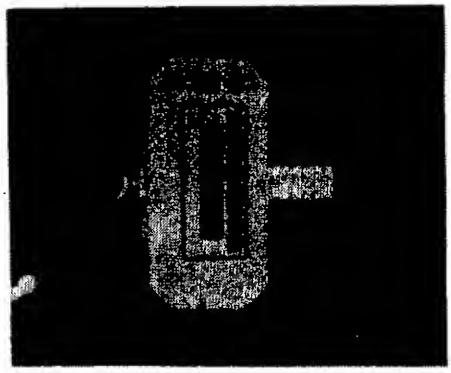
[फा.सं. डब्ल्यू एम-21 (128)/2006]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2995.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Crane type) with digital indication of "PEW-H 2000" series of medium accuracy (accuracy class-III) and with brand name "GILL" (hereinafter referred to as the said model), manufactured by M/s. Poonawala Electro Weigh, Chhakapirni Gali, Lal Gate, Next to Dargah, Surat, Gujarat and which is assigned the approval mark IND/09/06/359;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 2000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50-Hz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more with 'e' value 1×10^k, 2×10^k or 5×10^k, k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (128)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2996.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पूनावाला इलैक्ट्रो वे, चक्कापिरंनी गली, लाल गेट, दरगाह के बाद, सूरत, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'पी. ई. डब्ल्यू.-के' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलैक्ट्रोनिक कोइन चलित व्यक्ति तोलन मशीन) के मॉडल का जिसके ब्रांड का नाम 'गिल' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/360 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि. ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव्य क्रिस्टल डायोड (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धांत आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 100 कि. ग्रा. से 200 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21 (128)/2006]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2996.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument with digital indication (Electronic Coin Operated Person Weighing Machine) of medium accuracy (Accuracy class-III) belonging to 'PEW-K' series with brand name "GILL" (hereinafter referred to as the said model), manufactured by M/s. Poonawala Electro Weigh, Chhakaprini Gali, Lal Gate, next to Dargah, Surat, Gujarat and which is assigned the approval mark IND/09/06/360;

The said Model is a strain gauge type load cell based weighing instrument with the maximum capacity of 200 kg and minimum capacity of 1 kg. The verification scale interval (e) is 200 g. The display is of liquid crystal diode (LCD) type. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity in the range of 100 kg to 200 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

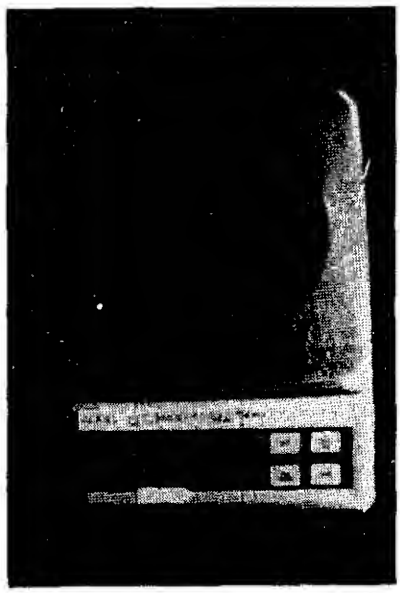
[F.No. WM-21 (128)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2997.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रीवो स्केल्स, कुसुम कम्पलेक्स, सिल्पुखुरी, जी. एन. बी. रोड, गुवाहाटी, असम द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "पी. ओ." शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का जिसके ब्रांड का नाम 'प्रीवो' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/337 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार भार सेल आधारित अस्वचालित (टेबल प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि. ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल. ई. डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल बिक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक 'ई' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

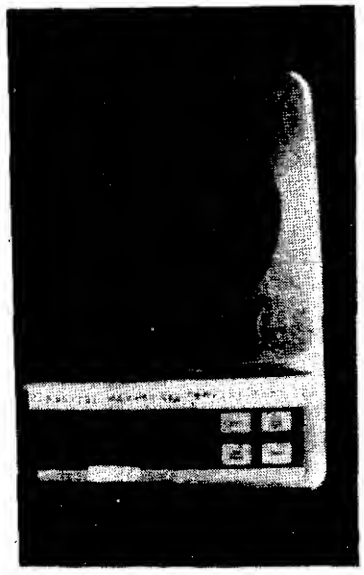
[फा.सं. डब्ल्यू एम-21 (273)/2003]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2997.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "PO" series of medium accuracy (accuracy class-III), and with brand name "PRIVO" (hereinafter referred to as the said model), manufactured by M/s. Privo Scales, Kusum Complex, Silpukhuri, GNB Road, Guwahati, Assam-781003 and which is assigned the approval mark IND/09/06/337;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 10 kg and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, designed with the same materials with which, the said approved model has been manufactured.

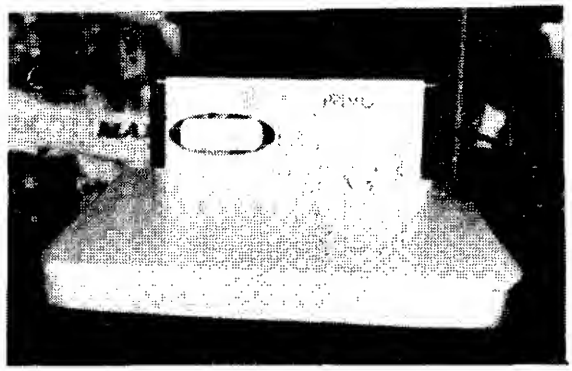
[F.No. WM-21(273)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2898.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रीवो स्केल्स, कुसुम कॉम्पलेक्स, सिल्पुखुरी, जी. एन. बी. रोड, गुवाहाटी, असम द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एम एस" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम "प्रीवो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/338 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 1 कि.ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक.धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल सहित 50 कि.ग्रा. से 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k} के है, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं ।

[फा. सं. डब्ल्यू एम-21 (273)/2003]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2998.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "MS" series of medium accuracy (Accuracy class-III) and with brand name "PRIVO" (hereinafter referred to as the said model), manufactured by M/s. Privo Scales, Kusum Complex, Silpukhuri, GNB Road, Guwahati, Assam-781 003 and which is assigned the approval mark IND/09/06/338;

The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 100 kg. and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg and upto 300 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

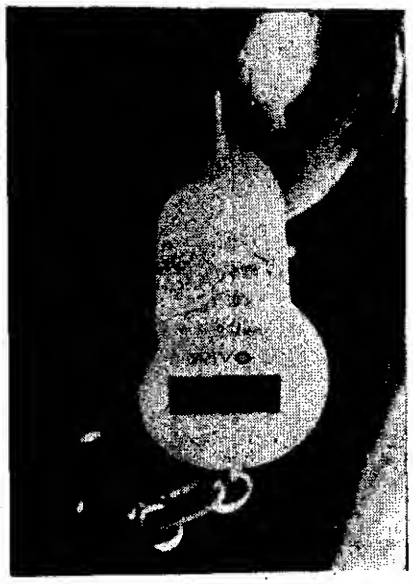
[F. No. WM-21 (273)/2003]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 2999.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रीवो स्केल्स, कुसुम कॉम्पलेक्स, सिल्पुखुरी, जी. एन. बी. रोड, गुवाहाटी, असम-781003 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एल एस" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (हैंगिंग स्केल प्रकार) के मॉडल का जिसके ब्रांड का नाम "प्रीवो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/339 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 75 किलोग्राम और न्यूनतम क्षमता 1 कि.ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल सहित 250 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के है, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21 (273)/2003]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 2999.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Hanging Scale) weighing instrument with digital indication of "LS" series of medium accuracy (Accuracy class-III) and with brand name "PRIVO" (hereinafter referred to as the said model), manufactured by M/s Privo Scales, Kusum Complex, Silpukhuri, GNB Road, Guwahati, Assam-781 003 and which is assigned the approval mark IND/09/06/339;

The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 75 kg. and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity upto 250 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

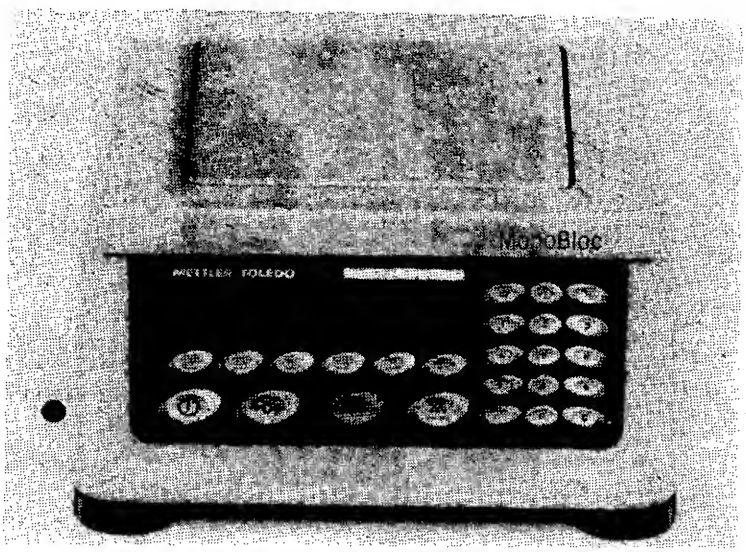
[F. No. WM-21 (273)/2003]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 3000.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टोलेडो इण्डिया प्रा. लि., अमर हिल्स, साकी विहार रोड, पोवई, मुंबई-400 072 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग- II) वाले "बी बी ए" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मेटलर टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/11/2006/10 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 6 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक 'ई' मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले है और "ई" मान $1 \times 10^{\text{के}}$, $2 \times 10^{\text{के}}$ या $5 \times 10^{\text{के}}$, के है, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21 (154)/2005]

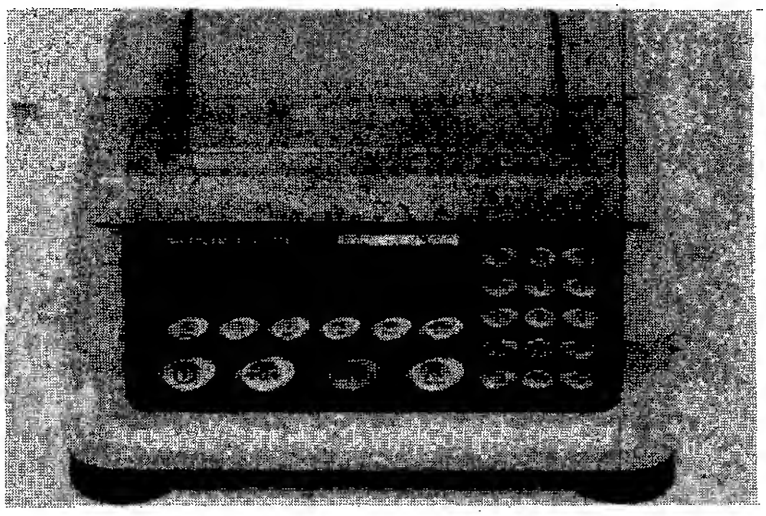
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 3000.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in confomity with the provisons of the Standards of Weight and Measures Act, 1976 (60 of 1976) and the Standards of Weight and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of, non- automatic weighing instrument (Table top type) with digital indication belonging to high accuracy (Accuracy class-II) of 'BBA' series with brand name "Mettler Toledo" (herein referred to as the said model), manufactured by M/s Mettler Toledo India Private Limited, Amar Hill, Saki Vihar Road, Mumbai-400 072 and which is assigned the approval mark IND/11/06/10;

The said model is a mono-block technology non-automatic weighing instrument (Table top type). Its maximum capacity is 6 kg and minimum capacity 10g. The value of verification scale interval (e) is 200mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (154)/2005]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 जून, 2006

का. आ. 3001.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टोलेडो इण्डिया प्रा. लि., अमर हिल्स, साकी विहार रोड, पोवई, मुंबई-400 072 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग- II) वाले "बी बी के" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मेटलर टोलेडो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/09 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 6100 ग्रा. और न्यूनतम क्षमता 10 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक 'ई' मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के है, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

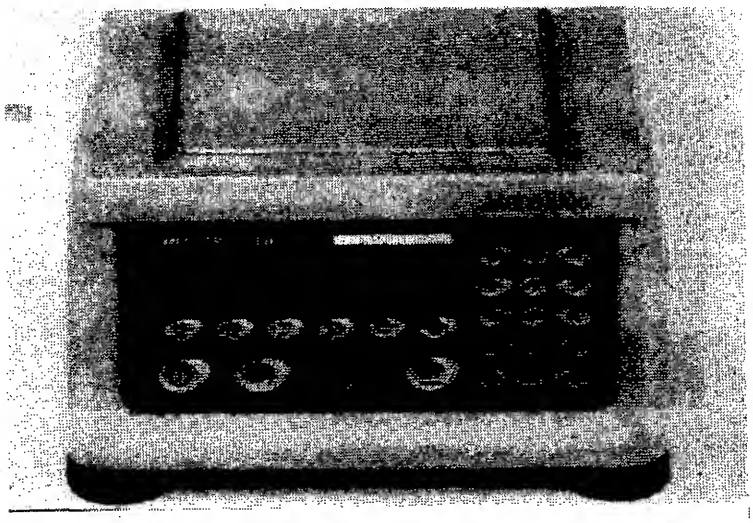
[फा.सं. डब्ल्यू एम-21 (154)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th June, 2006

S.O. 3001.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (table top type) with digital indication belonging to high accuracy (Accuracy class-II) of 'BBK' series with brand name "Mettler Toledo" (herein referred to as the said model), manufactured by M/s Mettler Toledo India Private Limited, Amar Hill, Saki Vihar Road, Mumbai-400 072 and which is assigned the approval mark IND/09/2006/09;



The said model is a mono-block technology non-automatic weighing instrument (table top type). Its maximum capacity is 6100g. and minimum capacity 10g. The value of verification scale interval (e) is 200mg. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

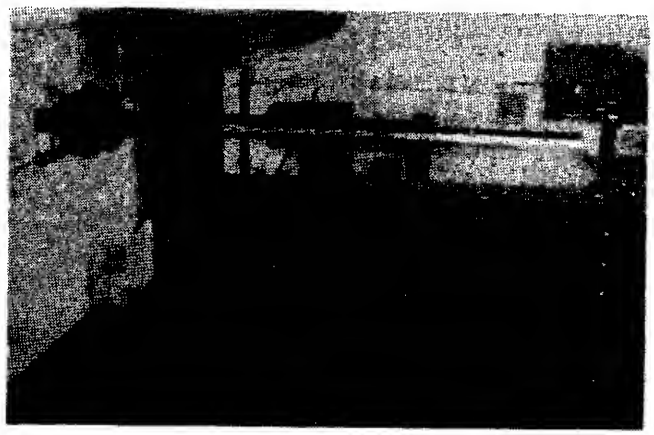
[F. No. WM-21 (154)/2005]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3002.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इनटेक वे सिस्टम्स, शेड नं.-5, सर्वे नं. 211/3, साबरमती इन्डस्ट्रियल एस्टेट, जी.एस.टी. रोड, वास्तुपाल स्टील के पास, नेवा रानिप, अहमदाबाद-382 480, गुजरात, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग- III) वाले "आई.एम." शृंखला के अंकक सूचना सहित अस्वचालित तोलन उपकरण (वे-ब्रिज प्रकार) के मॉडल का जिसके ब्रांड का नाम "इनटेक" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/356 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;



उक्त माडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30,000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21 (106)/2006]

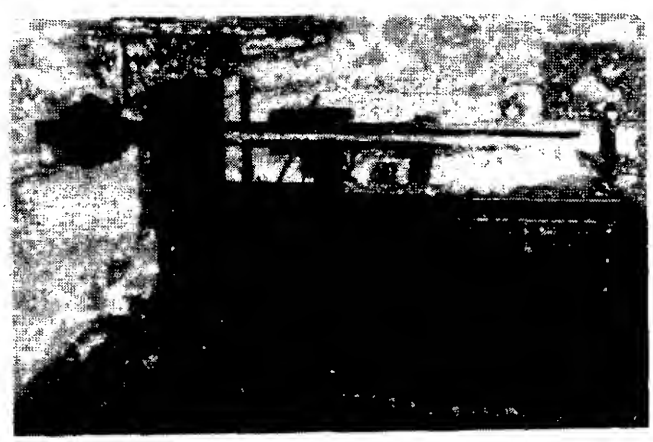
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3002.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (weighbridge type) with analog indication of medium accuracy (Accuracy class III) and brand "INTECH" and series "IM" (hereinafter referred to as the said model), manufactured by M/s. Intech Weigh Systems, Shed No 5, Survey No 211/3, Sabarmati Industrial Estate, G.S.T. Road, near Vastupal Steel, Nava Ranip, Ahmedabad-382 480, Gujarat and which is assigned the approval mark IND/09/06/356;

The said model (see the figure given below) is a mechanical weighbridge (steelyard type) based on the principles of compound levers and knife edges, with a maximum capacity of 30,000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

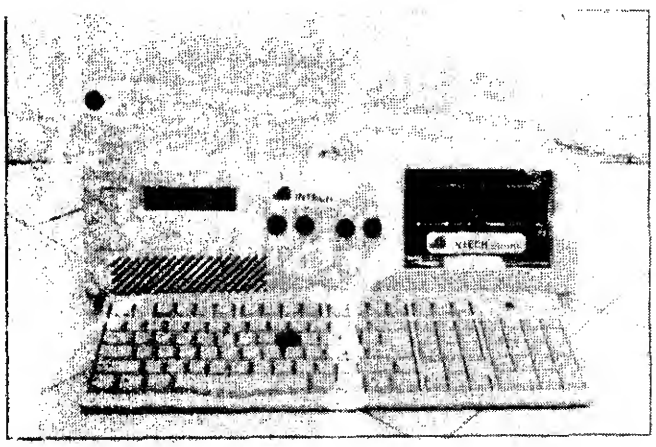
[F.No. WM-21(106)/2006]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3003.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इनटेक वे सिस्टम्स, शेड नं.-5, सर्वे नं. 211/3, साबरमती इन्डस्ट्रियल एस्टेट, जी.एस.टी. रोड, वास्तुपाल स्टील के पास, नेवा रानिप, अहमदाबाद-382 480, गुजरात, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग- III) वाले "आई.सी." शृंखला के अंकक सूचना सहित अस्वचालित तोलन उपकरण (वे ब्रिज के लिए कनवर्जन किट) के मॉडल का जिसके ब्रांड का नाम "इनटेक" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/355 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30,000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्य निष्पादन सिद्धान्त आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21 (106)/2006]

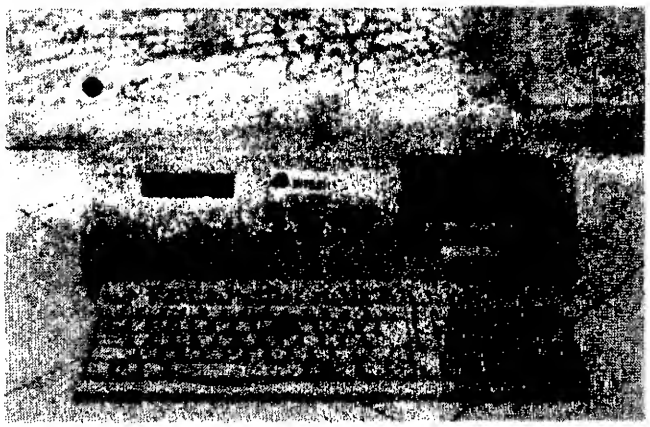
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3003.—Whereas the Central Government, after considering the report subnutted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Conversion kit for weighbridge type) with digital indication of medium accuracy (Accuracy class III) and brand "INTECH" and series "IC" (hereinafter referred to as the said model), manufactured by M/s. Intech Weigh Systems, Shed No 5, Survey No 211/3, Sabarmati Industrial Estate, G.S.T. Road, near Vastupal Steel, Nava Ranip, Ahmedabad-382 480, Gujarat and which is assigned the approval mark IND/09/06/355;

The said model is a load cell based weighing instrument with a maximum capacity of 30,000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

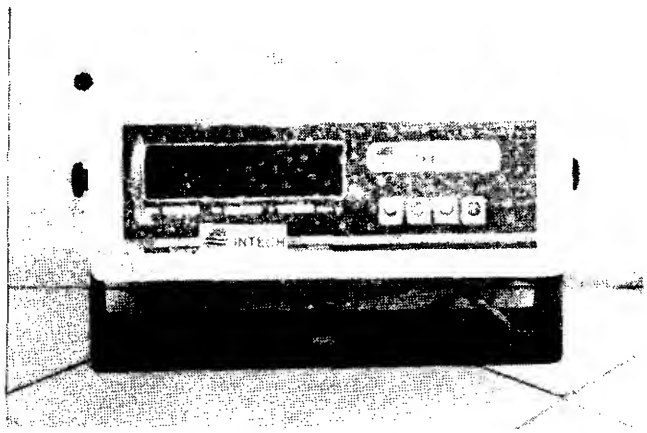
[F.No. WM-21 (106)/2005]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3004.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इनटेक वे सिस्टम्स, शेड नं.-5, सर्वे नं. 211/3, साबरमती इन्डस्ट्रियल एस्टेट, जी. एस. टी. रोड, वास्तुपाल स्टील के पास, नेवा रानिप, अहमदाबाद-382480, गुजरात, द्वारा निर्मित मध्यम यर्थाथता (यथार्थता वर्ग III) वाले "आई. एम." शृंखला के एनालोग सूचन सहित, अस्वचालित तोलन उपकरण (वे ब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'इनटेक' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/354 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक यांत्रिक वे ब्रिज (स्टीलयार्ड प्रकार) का अस्वचालित तोलन उपकरण है जो कम्पाउण्ड लीवर और नाईफ एज के सिद्धांत पर आधारित है। इसकी अधिकतम क्षमता 30,000 कि. ग्रा. और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (इ) का मान 5 कि. ग्रा. है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों पर बेचने से पहले या बाद में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

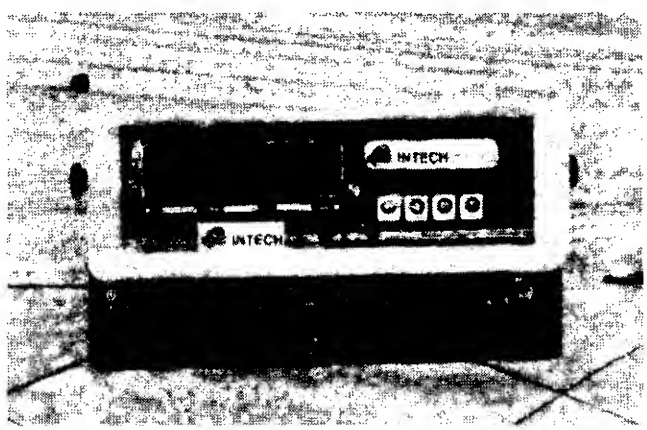
[फा. सं. डब्ल्यू एम-21 (106)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3004.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weight and Measures Act, 1976 (60 of 1976) and the Standards of Weight and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model the non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) and brand "INTECH" and series "IF" (herein after referred to as the said model), manufactured by M/s. Intech Weigh Systems, Shed No. 5, Survey No. 211/3, Sabarmati Industrial Estate, G. S. T. Road, near Vastupal Steel, Nava Ranip, Ahmedabad-382480, Gujarat and which is assigned the approval mark IND/09/06/354;



The said model is a load cell based weighing instrument with a maximum capacity of 40000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.

In addition to sealing the stamping plate sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

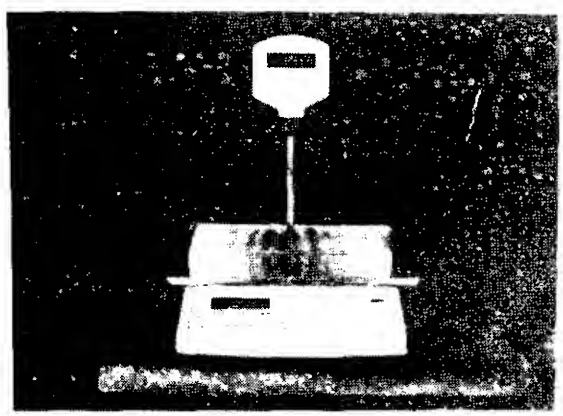
[F.No. WM-21 (106)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3005.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गुरुदेव स्केल, पटेलवाड़ी के पास, शिवाजी नगर, सावरकुण्डला-364515, गुजरात द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "जी एस टी-001" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'आनिडा' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आइ एन डी 09 06 164 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 11 कि. ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री पूर्व अथवा बिक्री पश्चात् उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

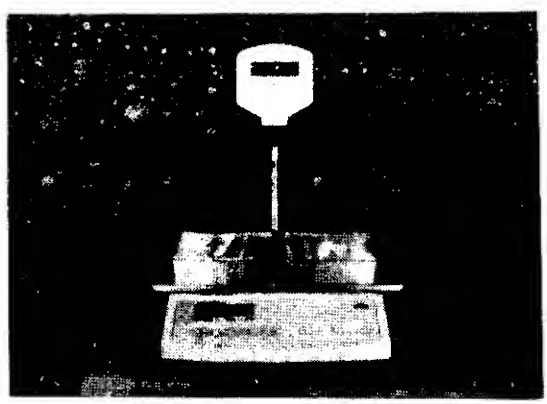
[फा. सं. डब्ल्यू एम-21 (39)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3005.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model the non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "GST-001" and with brand name "ONIDA" (hereinafter referred to as the said model), manufactured by M/s Gurudev Scale, near Patelwadi, Shivaji Nagar, Savarkundla-364515, Gujarat and which is assigned the approval mark IND/09/06/164:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 11 kg and minimum capacity of 50 g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

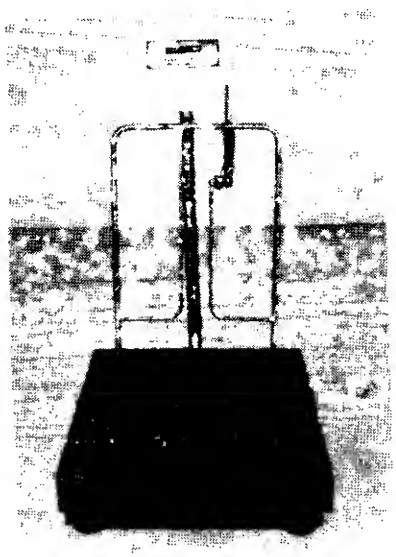
[F.No. WM-21 (39)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3006.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गुरुदेव स्केल, पटेलवाड़ी के पास, शिवाजी नगर, सावरकुण्डला-364515, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "जी एस टी-002" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'आर्निडा' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/165 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 5000 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (इ) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों के संबंध में परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "इ" मान के लिए 5000 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "इ" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

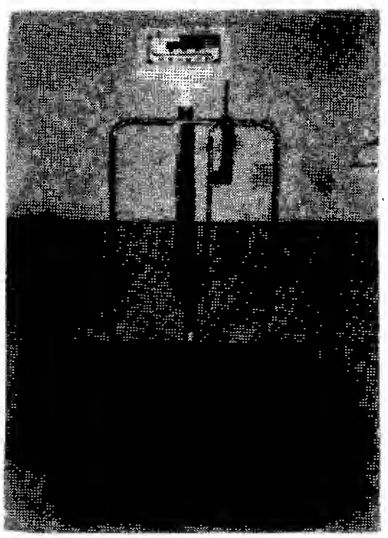
[फा. सं. डब्ल्यू एम-21 (39)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3006.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "GSP-002" and with brand name "ONIDA" (hereinafter referred to as the said model), manufactured by M/s. Gurudev Scale, near Patelwadi, Shivaji Nagar, Savarkundla-364515, Gujarat and which is assigned the approval mark IND/09/06/165;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (39)/2006]

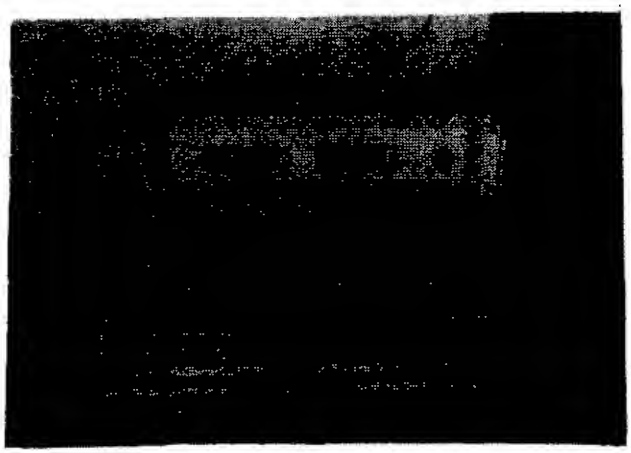
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3007.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैक्स वेइंग सिस्टम, नं. 1, मल्लिका एवेन्यू एनैक्स, 100 फिट रोड, कोलाथूर, चेन्नई-600099, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "सन" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'मैक्स' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/193 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 400 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 20 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

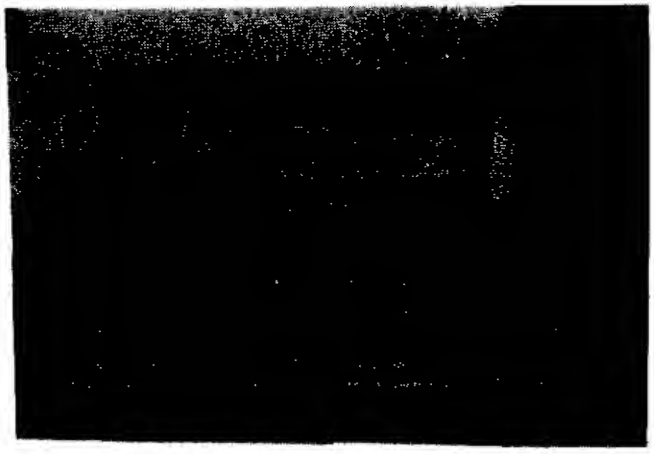
[फा. सं. डब्ल्यू एम-21 (46)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3007.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy class-III) of series "SUN" and with brand name "MACS" (hereinafter referred to as the said model), manufactured by M/s.MACS Weighing Systems, No. 1, Mallika Avenue Annexe, 100 Feet Road, Kolathur, Chennai-600099, Tamil Nadu and which is assigned the approval mark IND/09/06/193;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 400 kg. The verification scale interval (e) is 20 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 150 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (46)/2006]

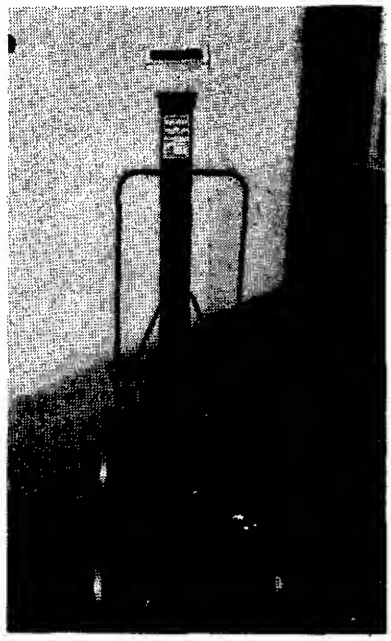
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3008.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैक्स वेइंग सिस्टम, नं. 1, मल्लिका एवेन्यू एनैक्स, 100 फिट रोड, कोलाथूर, चेन्नई-600099, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एडॉन" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन के लिए कन्वर्शन किट) के मॉडल का जिसके ब्रांड का नाम 'मैक्स' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/194 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म मशीन के लिए कन्वर्शन किट) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 किलोग्राम है और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को सामग्री यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

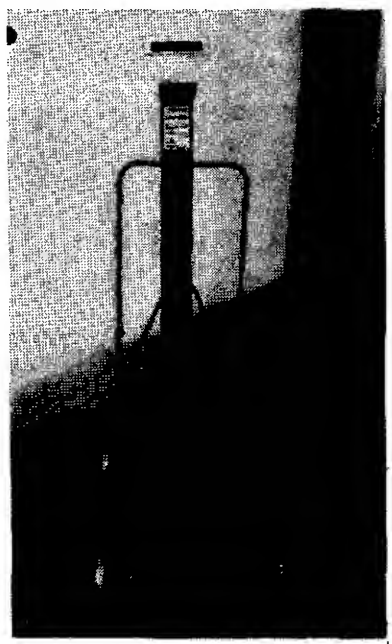
[फा. सं. डब्ल्यू एम-21 (46)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3008.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model the non-automatic weighing instrument (Conversion Kit Platform Machine) with digital indication of medium accuracy (Accuracy class-III) of series "ADDON" and with brand name "MACS" (hereinafter referred to as the said model), manufactured by M/s. MACS Weighing Systems, No. 1, Mallika Avenue Annexe, 100 Feet Road, Kolathur, Chennai-600099, Tamilnadu and which is assigned the approval mark IND/09/06/194;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion Kit Platform Machine) with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

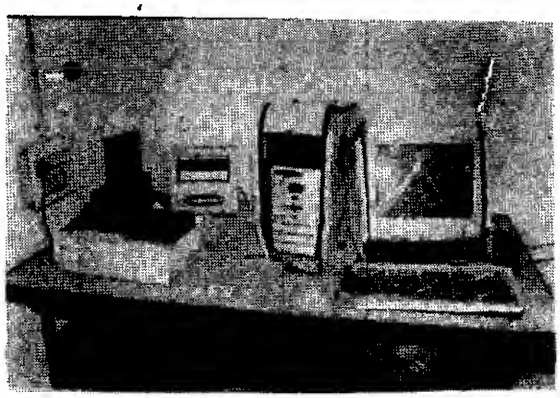
[F. No. WM-21 (46)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3009.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कॉनटैक इंस्ट्रूमेंट्स लि., प्लॉट ईएल-221, एम आई डी सी इलैक्ट्रोनिक्स जोन, मापे, नवी मुंबई-4000701, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "सी. डब्ल्यू बी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "कॉनटैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/199 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक स्ट्रेन गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 60 टन है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 किलो ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 किलो ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 150 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^{\text{के}}$, $2 \times 10^{\text{के}}$ या $5 \times 10^{\text{के}}$ के हैं, जो धनात्मक या ऋणात्मक, पूर्णांक या शून्य के समतुल्य हैं।

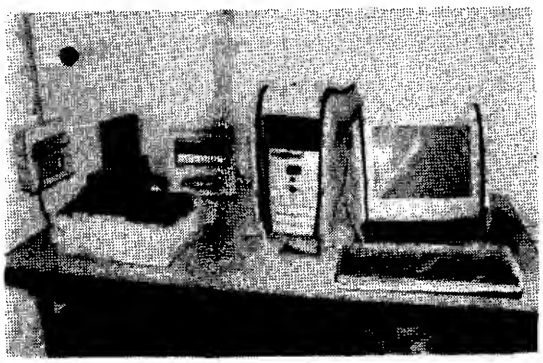
[फा.सं. डब्ल्यू एम-21 (64)/2006]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3009.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of medium accuracy (Accuracy Class-III) of series "CWB" and with brand name "CONTECH" (hereinafter referred to as the said model), manufactured by M/s. Contech Instrument Ltd., Plot No. EL-221, MIDC Electronic Zone, Mhape, Navi Mumbai-400701, Maharashtra and which is assigned the approval mark IND/09/06/199;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 150 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of 1×10^k, 2×10^k, or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (64)/2006]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3010.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेवैल स्केल्स कम्पनी नं. 61/1, भंदरप्पा काम्पलैक्स, थयागराजा को-ओप, बैंक बिल्डिंग कामाक्शीपाल्या, बंगलौर-560079 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डब्ल्यू डब्ल्यू-टी टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का जिसके ब्रांड का नाम "वेवैल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/178 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 किलोग्राम है और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हट्र्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्राम से 2 ग्राम तक 'ई' मान के लिए 100 से 10,000 तक के रेंज में सत्यापन अंतराल (एन) और 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान $1 \times 10^{\text{के}}$, $2 \times 10^{\text{के}}$ या $5 \times 10^{\text{के}}$ के हैं, जो धनात्मक या ऋणात्मक, पूर्णांक या शून्य के समतुल्य हैं।

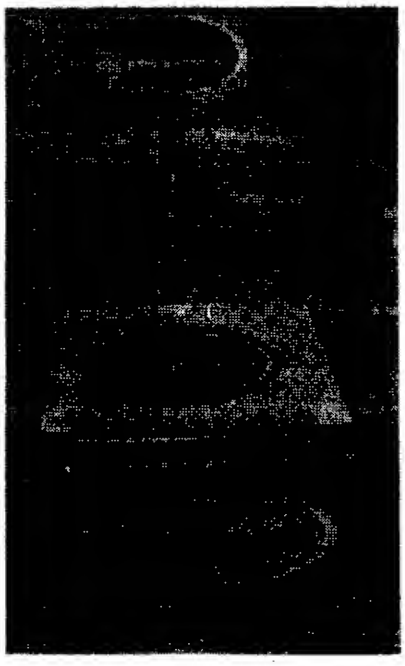
[फा.सं. डब्ल्यू एम-21 (345)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3010.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy Class-III) of series "WW-1" and with brand name "WEIGHWELL" (hereinafter referred to as the said model), manufactured by M/s. Weighwell Scales Company, No. 61/1, Bhadrappa Complex, Thyagaraja Co-Op., Bank Building, Kamakashipalya, Bangalore-560079 and which is assigned the approval mark IND/09/06/178;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

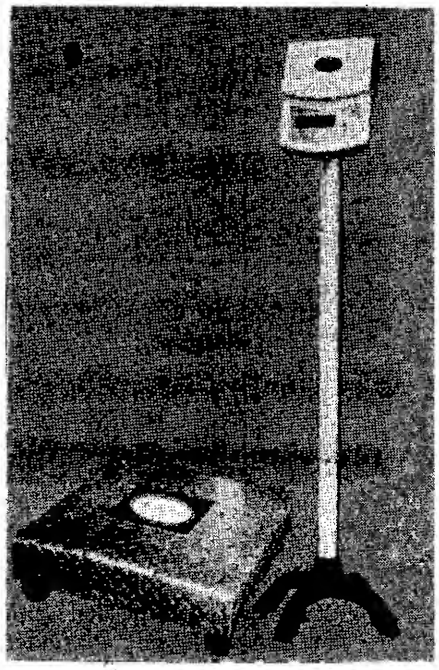
[F.No. WM-21 (345)/2005]
P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3011.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेवैल स्केल्स कम्पनी नं. 61/1, भंदरप्पा काम्पलैक्स, थयागराजा को-ओप. बैंक बिल्डिंग, कामाक्षीपाल्या, बंगलौर-560079 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डब्ल्यू डब्ल्यू-पी एफ" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) के मॉडल का, जिसके ब्रांड का नाम "वेवैल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/179 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 किलोग्राम है और न्यूनतम क्षमता 4 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक, पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21 (31)/2006]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

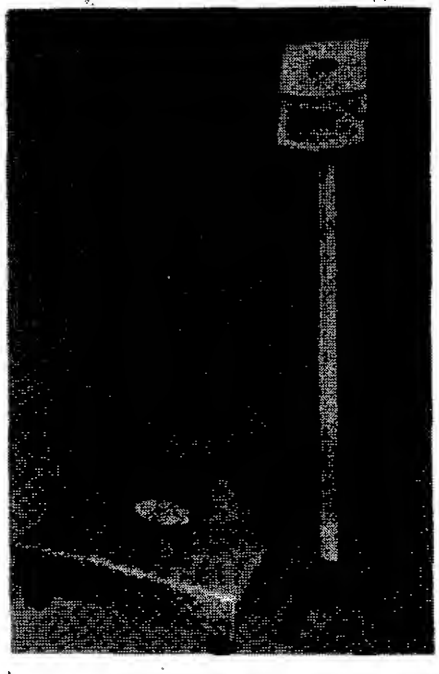
New Delhi, the 30th June, 2006

S.O. 3011.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "WW-PF" series of medium accuracy (accuracy class-III) and with brand name "WEIGHWELL" (hereinafter referred to as the said model), manufactured by M/s. Weighwell Scales Company, No. 61/1, Bhadrappa Complex, Thyagaraja Co-Op., Bank Building, Kamakashipalya, Bangalore-560079 and which is assigned the approval mark IND/09/06/179;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (31)/2006]

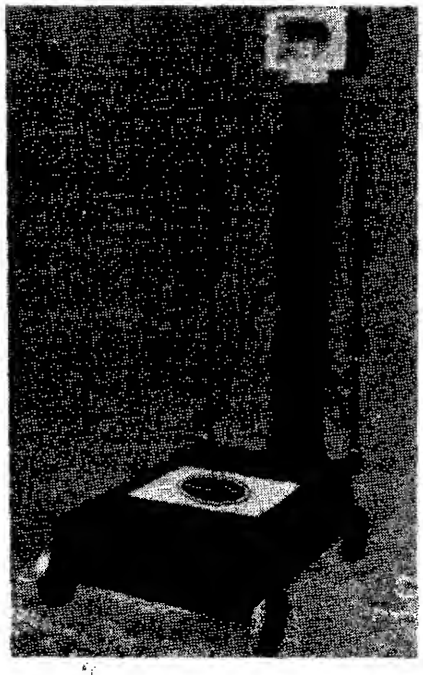
P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3012.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेवैल स्केल्स कम्पनी नं. 61/1, भंदरप्पा काम्पलैक्स, थयागराजा को-ओप. बैंक बिल्डिंग, कामाक्शीपाल्या, बंगलौर-560079 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डब्ल्यू-डब्ल्यू पी सी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन के लिए कन्वर्शन किट) के मॉडल का, जिसके ब्रांड का नाम "वेवैल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/180 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित प्लेट फार्म मशीन के लिए कन्वर्शन किटअस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 किलोग्राम है और न्यूनतम क्षमता 4 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हट्र्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल की सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, कार्यकारी सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्मिता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^{\text{के}}$, $2 \times 10^{\text{के}}$ या $5 \times 10^{\text{के}}$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू एम-21 (31)/2006]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

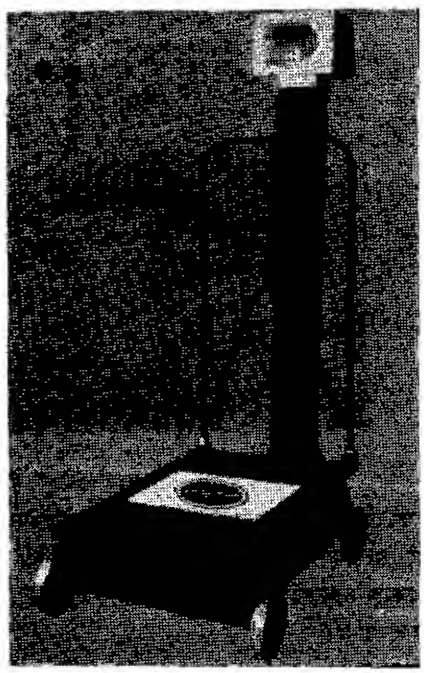
New Delhi, the 30th June, 2006

S.O. 3012.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period sof sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion kit for Platform machine) with digital indication of "WW-PC" series of medium accuracy (accuracy class-III) and with brand name "WEIGHWELL" (herein after referred to as the said model), manufactured by M/s Weighwell Scales Company, No. 61/1, Bhadrappa Complex, Thyagaraja Co-Op. Bank Building, Kamakashipalya, Bangalore-560079 and which is assigned the approval mark IND/09/06/180;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Platform machine) with a maximum capacity of 1000 kg and minimum capacity of 4kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k, or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

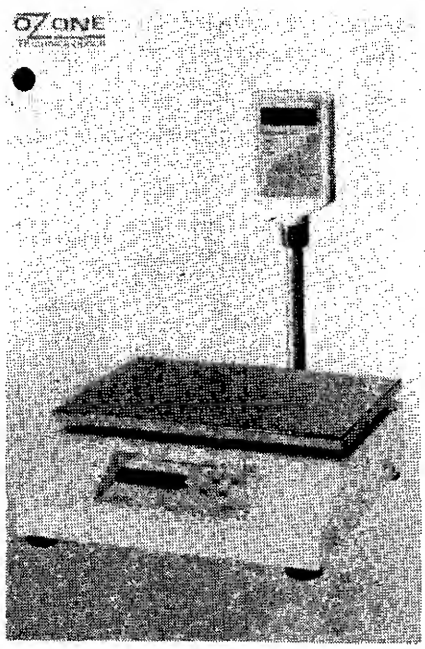
[F.No. WM-21 (31)/2006]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3013.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऑजोन टेक्नोलॉजिज, # 3809, 12वां क्रॉस, दूसरा फेस, कुमार स्वामी लेआउट, बंगलौर-560078, कर्नाटक द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "ओ जेड टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "ऑजोन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/352 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सैल आधारित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धान्त आदि के रूप में कोई परिवर्तन न किया जा सके।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्राम के "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा.या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

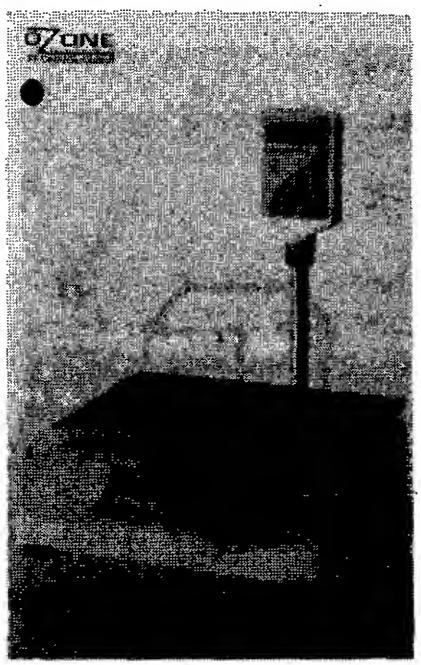
[फा.सं. डब्ल्यू एम-21 (117)/2006]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3013.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisons of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy Class-II) of series "OZI" and with brand name "OZONE" (herein after referred to as the said model), manufactured by M/s Ozone Technologies, # 3809, 12th Cross, 2nd Phase, Kumarswamy Layout, Banglore-560 078, Karnataka and which is assigned the approval mark IND/09/06/352;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices. The said model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc, before or after sales.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg with vertification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 kg of 100mg or more and with 'e' value of 1×10^k, 2×10^k, or 5×10^k k being the positive or negtive whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

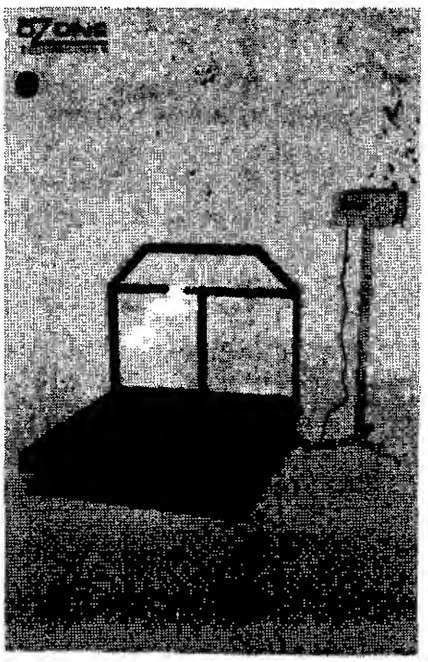
[F.No. WM-21 (117)/2006]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3014.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऑजोन टेक्नोलॉजिज, # 3809, 12वां क्रॉस, दूसरा फेस, कुमार स्वामी लेआउट, बंगलौर-560078, कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ओ. जेड. टी." शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम 'ऑजोन' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/353 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबंद किया जाएगा और मॉडल को इसकी सामग्री यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

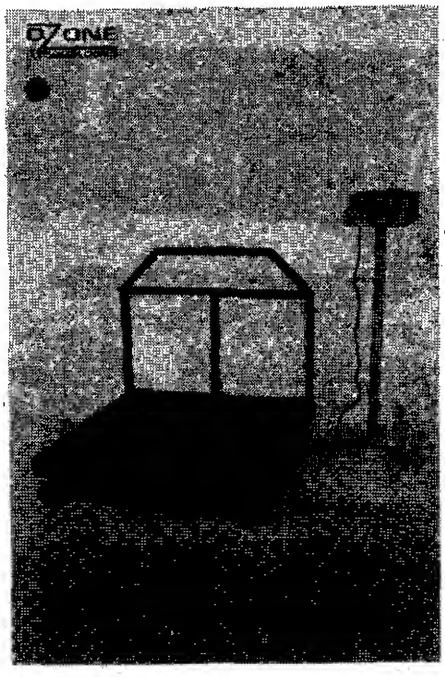
[फा. सं. डब्ल्यू एम-21 (117)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3014.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "OZP" and with brand name "OZONE" (hereinafter referred to as the said model), manufactured by M/s. Ozone Technologies, # 3809, 12th Cross, 2nd Phase, Kumarswamy Layout, Bangalore-560078, Karnataka and which is assigned the approval mark IND/09/06/353;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50-Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

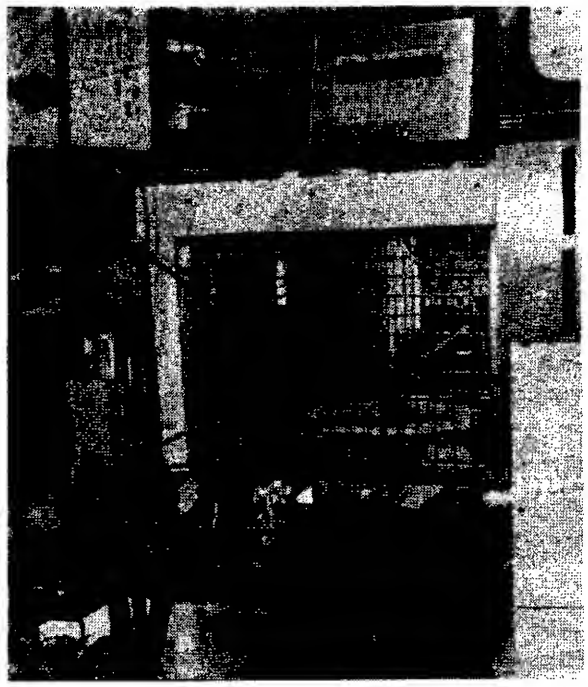
[F. No. WM-21 (117)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2006

का. आ. 3015.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स माउंट पैकेजिंग मशीनरी प्रा. लि., महात्मा जयोतिराव फुले मार्ग, धाडगे इंडस्ट्रियल इस्टेट, क्र. सं. 14, शेड सं. एच. आई. जे., नान्देड़ फाटा, पुणे, महाराष्ट्र द्वारा विनिर्मित संदर्भ (x) (जहां x = 1 है) वाले सी एस डब्ल्यू-20 श्रृंखला के अंकक सूचन सहित, स्वचालित ग्रैवीमेटरिक उपकरण (वे फिलर) के मॉडल का, जिसके ब्रांड का नाम 'माउंट' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/319 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार भार सेल आधारित स्वचालित ग्रेवीमेटरिक फिलिंग उपकरण (वे फिलर) हैं। इसकी अधिकतम क्षमता 5 कि. ग्रा. है। इसकी अधिकतम भराई दर 35 फिल प्रति मिनट है। मशीन को पेस्ट, पेंट, मोबिल ऑयल, इंजिन ऑयल व अन्य तरल पदार्थों आदि जैसी मुक्त प्रवाही तरल वस्तुओं को भरने हेतु डिजाइन किया गया है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी बिक्री से पूर्व अथवा बाद में उसकी सामग्री यथार्थता, डिजाइन, सर्किट डायग्राम तथा कार्य निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन नहीं किया जाएगा;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 50 ग्रा. से 5 कि. ग्रा. तक की क्षमता वाले हैं।

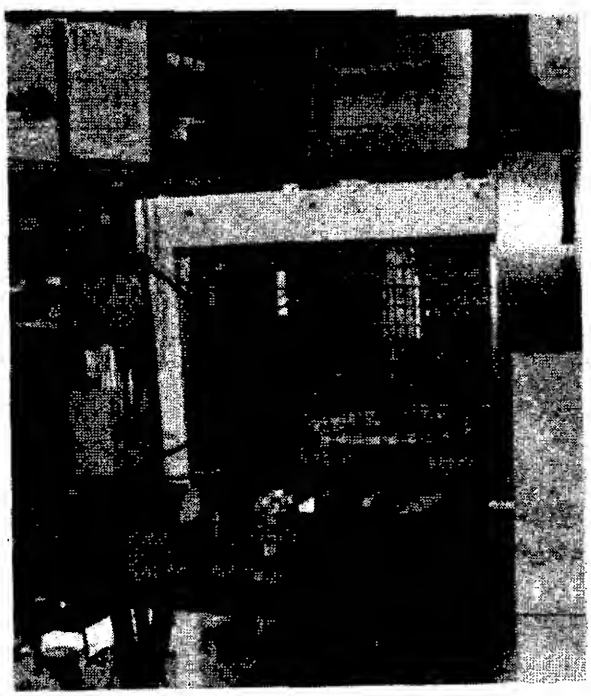
[फा. सं. डब्ल्यू एम-21 (59)/2006]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th June, 2006

S.O. 3015.—Whereas the Central Government. after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weight and Measures Act, 1976 (60 of 1976) and the Standards of Weight and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument (Weigh filler) belonging to accuracy class. Ref(x), where x = 1 of 'CSW-20' series with brand name "MOUNT" (herein referred to as the said Model), manufactured by M/s. Mount Packaging Machinery Pvt. Ltd., Mahatma Jyotirao Phule Marg, Dhadge Ind. Estate, S. No. 14, Shed No. HIJ, Nanded Phata, Pune, Maharashtra and which is assigned the approval mark IND/09/06/319;



The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Weigh filler). Its maximum capacity of 5 kg. Its maximum fill rate is 35 fills per minute. The machine is designed for filling the free flowing liquid like paste, paint, mobile oil, engine oil and other viscous liquids etc.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with capacity in the range of 50 g to 5 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21 (59)/2006]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 13 जुलाई, 2006

का.आ. 3016.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में एतद्द्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं और वापस ले लिये गए हैं :

अनुसूची

क्रम सं.	रद्द किये गये मानक की संख्या और वर्ष	भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) में प्रकाशित का.आ. संख्या और तिथि	टिप्पणी
(1)	(2)	(3)	(4)
1.	आई एस 5079 : 1969 रबड़ वाल्व की विशिष्टि-साइकिल ट्यूब वाल्वों की ट्यूबिंग	—	आई एस 532 : 2006 द्वारा अधिक्रमित
2.	आई एस 10277 : 1982 मोपेड की हत्था ग्रिप की विशिष्टि	—	एस सी टीईडी 6 द्वारा अनुशंसित
3.	आई एस 10586 : 1983 स्कूटर और मोटर साईकिल की हत्था ग्रिप	—	मानक लागू करने योग्य नहीं
4.	आई एस 10914 (भाग 1.) : 1991 स्वचल वाहन - हवा भरे टायर भाग 1 शब्दावली परिभाषा और नाम पद्धति (पहला पुनरीक्षण)	—	आई एस 15627 : 2005 आई एस 15633 : 2005 एवं आई एस 15636 : 2005 द्वारा अधिक्रमित
5.	आई एस 10914 (भाग 2) : 1992 स्वचल वाहन - हवा भरे टायर -विशिष्टि भाग 2 ट्रक, बस और हल्के ट्रक के टायर - आड़ी प्लाई (दूसरा पुनरीक्षण)	—	आई एस 15636 : 2005 द्वारा अधिक्रमित
6.	आई एस 10914 (भाग 3) : 1991 स्वचल वाहन - हवा भरे टायर - आड़ी प्लाई वाले विशिष्टि भाग 3 यात्री कार टायर (पहला पुनरीक्षण)	—	आई एस 15633 : 2005 द्वारा अधिक्रमित
7.	आई एस 10914 (भाग 4) : 1992 स्वचल वाहन - हवा भरे टायर—विशिष्ट भाग 4 स्कूटर और स्कूटर व्युत्पन्न आड़ी प्लाई (दूसरा पुनरीक्षण)	—	आई एस 15627 : 2005 द्वारा अधिक्रमित
8.	आई एस 10914 (भाग 5) : 1995 स्वचल वाहन - हवा भरे टायर भाग 5 आड़ी और रेड़ियल प्लाई के टायरों के लिए परीक्षण पद्धति (पहला पुनरीक्षण)	—	आई एस 15627 : 2005 आई एस 15633 : 2005 एवं आई एस 15636 : 2005 द्वारा अधिक्रमित :
9.	आई एस 11157 : 1984/ISO 5995 (भाग 1) मोपेड के हवादार टायर, आड़ी प्लाई - विशिष्टि	—	आई एस 15627 : 2005 द्वारा अधिक्रमित

(1)	(2)	(3)	(4)
10.	आई एस 11341 : 1985 अन्त:देशीय जलयानों के पम्प के लिए डैक ओपनिंग के कवर की विशिष्टि	—	विषय अब अधिक प्रयोग में नहीं है
11.	आई एस 11685 : 1986 साईकिल की तली की ब्रैकेट की धुरी, आर टाईप की विशिष्टि	—	आई एस 1131 : 2006 द्वारा अधिक्रमित
12.	आई एस 12151 : 1987 मोटर साईकिल के टायर, आड़ी प्लाई - विशिष्टि	—	आई एस 15627 : 2005 द्वारा अधिक्रमित
13.	आई एस 12441 (भाग 1) : 1995 स्वचल वाहन - हवा भरे टायर - यात्री कार टायर - रेडियल प्लाई भाग 1 विशिष्टि (पहला पुनरीक्षण)	—	आई एस 15633 : 2005 द्वारा अधिक्रमित
14.	आई एस 12993 : 1991 अन्त:देशीय जलपोत हस्त-छिद्र - विशिष्टि	—	विषय अब अधिक प्रयोग में नहीं है
15.	आई एस 13121 : 1991 पोत निर्माण - पोत में कम्पन का समग्र मुल्यांकन - मार्गनिर्देश	—	आई एस 14733 : 2000 द्वारा अधिक्रमित
16.	आई एस 13290 : 1992 पोत निर्माण - पोत बोर्ड के कम्पन आंकड़ों का मापन तथा रिपोर्टिंग - रीति संहिता	—	आई एस 14728 : 1999 द्वारा अधिक्रमित
17.	आई एस 13633 : 1993 पोत निर्माण - पोत संरचना तथा उपस्कर के स्थानीय कम्पन आंकड़ों का मापन तथा रिपोर्टिंग	—	आई एस 14729 : 1999 द्वारा अधिक्रमित
18.	आई एस 14623 : 1998 अन्त:देशीय जलपोत - खुम्बी टाइप संवातन शीर्ष - विशिष्टि	—	विषय अब अधिक प्रयोग में नहीं है

[सं. टी ई डी/जी-16]

पी.सी. जोशी, निदेशक एवं प्रमुख (टी ई डी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 13th July, 2006

S.O. 3016.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, it is, hereby notified that the Indian Standards, Particulars of which are mentioned in the Schedule given hereafter, have been cancelled and stand withdrawn.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Cancelled	S.O. No. & Date published in the Gazette of India. Part-II, Section-3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	5079 : 1969 Specification for rubber valve-tubing for cycle tube valves	—	Superseded by IS 532 : 2006
2.	IS 10277 : 1982 Specification for handle grips for mopeds	—	Recommended by the SC TED 6

(1)	(2)	(3)	(4)
3.	IS 10586 : 1983 Handle grips for scooters and motorcycles	—	Standard are not implementable
4.	10914 (Part 1) : 1991 Automotive vehicles—Pneumatic tyres—Part 1 Terms definitions and nomenclature (first revision)	—	Superseded by IS 15627 : 2005, IS 15633 : 2005 and IS 15636 : 2005
5.	10914 (Part 2) : 1992 Automotive vehicles—Pneumatic tyres—Specification Part 2 Truck, bus and light truck tyres—Diagonal ply (second revision)	—	Superseded by IS 15636 : 2005
6.	10914 (Part 3) : 1991 Automotive vehicles—Pneumatic tyres—Diagonal ply—Specification Part 3 Passenger tyres (first revision)	—	Superseded by IS 15633 : 2005
7.	10914 (Part 4) : 1992 Automotive vehicles—Pneumatic tyres—Specification—Part 4 Scooters and scooter derivatives—Diagonal ply (second revision)	—	Superseded by IS 15627 : 2005
8.	10914 (Part 5) : 1995 Automotive vehicles—Pneumatic tyres—Part 5 Method of test for diagonal and radial ply tyres (first revision)	—	Superseded by IS 15627 : 2005, IS 15633 : 2005 and IS 15636 : 2005
9.	11157 : 1984/ISO 5995 (Pt 1) : 1982 Pneumatic tyres for mopeds—Diagonal ply—Specification	—	Superseded by IS 15627 : 2005
10.	11341 : 1985 Specification for covers for deck openings for pumps for inland vessels	—	Subject now is of little interest
11.	11685 : 1986 Specification for bicycle bottom bracket axle, R type	—	Superseded by IS 1131 : 2006
12.	12151 : 1987 Motorcyles tyres, diagonal ply— Specification	—	Superseded by IS 15627 : 2005
13.	12441 (Part 1) : 1995 Automotive vehicles—Pneumatic tyre—Passenger car tyres, radial ply Part 1 Specification (first revision)	—	Superseded by IS 15633 : 2005
14.	12993 : 1991 Inland vessels—Hand-holes—Specification	—	Subject now is of little interest
15.	13121 : 1991 Shipbuilding—Over all evaluation of vibration in ships-Guidelines	—	Superseded by IS 14733 : 2000
16.	13290 : 1992 Shipbuilding—Measurement and reporting of ship-board vibration data—Code of practice	—	Superseded by IS 14728 : 1999
17.	13633 : 1993 Shipbuilding—Measurement and reporting of local vibration data of ship structures and equipment—Code of practice	—	Superseded by IS 14729 : 1999
18.	14623 : 1998 Inland vessels—Mushroom-type ventilator heads—Specification	—	Subject now is of little interest

[No. TED/G-16]

P.C. JOSHI, Director and Head (TED)

नई दिल्ली, 20 जुलाई, 2006

का. आ. 3017.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 280:2006 सामान्य इंजीनियरी अनुप्रयोगों के लिए मृदु इस्पात की तार (चौथा पुनरीक्षण)	आईएस 280:1978	1 सितम्बर 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002; क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 4/टी-17]

एस. के. गुप्ता, वैज्ञानिक-'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 20th July, 2006

S.O. 3017.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
I	IS 280:2006—Mild Steel Wire for General Engineering Purpose (Fourth Revision)	IS 280:1978	1 September, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 4/T-17]

S. K. GUPTA, Scientist 'F' & Head (MTD)]

नई दिल्ली, 24 जुलाई, 2006

का. आ. 3018.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 3601:2006 यांत्रिकीय और सामान्य इंजीनियरिंग उद्देश्य के लिए इस्पात नलिकाएं—विशिष्टि (दूसरा पुनरीक्षण)	आईएस 3601:1984	1 सितम्बर, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002; क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 19/टी-3]
एस. के. गुप्ता, वैज्ञानिक-'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 24th July, 2006

S.O. 3018.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 3601:2006—Steel tubes for mechanical and general engineering purposes— Specification (Second Revision)	IS 3601:1984	1 September, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 19/T-3]
S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 25 जुलाई, 2006

का. आ. 3019.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 4367:1991— सामान्य औद्योगिक उपयोग के लिए मिश्र इस्पात गढ़ाइयाँ—विशिष्टि (पहला पुनरीक्षण)	संशोधन संख्या 2, जून, 2006 से आई एस 4367 : 1991	30 जून, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 16/टी-13]
एस. के. गुप्ता, वैज्ञानिक-'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 25th July, 2006

S.O. 3019.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 4367:1991—Alloy Steel Forgings for General Industrial Use—Specification (First Revision)	Amendment No. 2 June 2006 to IS 4367 : 1991	30 June 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 16/T-13]
S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 25 जुलाई, 2006

का. आ. 3020.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 6527:1995—स्टेनलेस इस्पात की तार छड़ें—विशिष्टि (पहला पुनरीक्षण)	संशोधन संख्या 1, मई, 2006 से आई एस 6527 : 1995	31 मई, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 16/टी-32]
एस. के. गुप्ता, वैज्ञानिक-'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 25th July, 2006

S.O. 3020.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 6527:1995—Stainless steel wire rods—Specification (First Revision)	Amendment No. 1 May 2006 to IS 6527 : 1995	31 May 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 16/T-32]
S. K. GUPTA, Scientist 'F' & Head (MTD)]

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 6 जुलाई, 2006

का.आ. 3021.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद II के पंचाट (संदर्भ संख्या 166/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2006 को प्राप्त हुआ था।

[सं. एल-20012/6/2001-आईआर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th July, 2006

S.O. 3021.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 166/2001) of the Central Government Industrial Tribunal/ Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 5-7-2006.

[No. L-20012/6/2001-IR(C-I)]

S. S.GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT : Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 166 of 2001

PARTIES : Employers in relation to the management of Bhowra Coke Plant of M/s BCCL and their workmen.

APPEARANCES :

On behalf of the workman :	Mr. D. Mukherjee, Ld. Advocate Mr. K. Chakarborty, Ld. Advocate
On behalf of the employers :	Mr. D.K. Verma, Ld. Advocate
State : Jharkhand	Industry : Coal

Dated, Dhanbad, the 13th June, 2006

AWARD

Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/6/ 2001 (C-I) dt. 22-5-2001.

SCHEDULE

"Whether the action of the management of BCCL, Bhowra Coke Plant in not regularising Shri Bhikhari B.P. in Mechanical Fitter Grade V is justified ? If not to what relief is he entitled and from what date ?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman originally was appointed as Fitter Apprentice in Cat. 1 on 7-2-92/4-3-92. They submitted that in the appointment letter it was stipulated that offer 3/4 years he will be regularised in the post. They submitted that on the basis of the conditions laid down in the said appointment letter he had to undergo training in the trade of Fitter for the period from 14-5-1992 to 13-5-1995 and after completion of successful training National Council for Vocational Training issued Certificate to that effect. He was thereafter selected for the post of Fitter and started working as Fitter Grade V but management with utter surprise regularised him as Fitter Helper in Cat. II by order dt. 23-5-2000 illegally, arbitrarily and violating the principle of natural justice.

Accordingly, not only the concerned workman but also the union submitted representation before the management on several occasions for his regularisation as Fitter Gr. V. with retrospective effect but management did not consider necessary to pay any heed to such prayer for which he was forced to raise industrial dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

Concerned workman accordingly submitted prayer to pass award directing the management to regularise the concerned workman as Mechanical Fitter with arrears wages and consequential relief.

3. Management on the contrary after filing written statement cum rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman was appointed as Apprentice under Apprenticeship Act 1961 and Apprenticeship Rules 1962 in the year 1992 and his service condition was guided by the Apprenticeship Act. They submitted that an Apprentice appointed under the Apprenticeship Act is not a workman under Section 25 of the Industrial Dispute Act, 1947.

They submitted that after completion of training the workman concerned appeared in the examination conducted by the National Council for Vocational Training, Ministry of Labour, Govt. of India. They submitted that during the training under the Apprenticeship Act, his trade was Fitter and National Council for Vocational Training granted National Apprenticeship Certificate to the concerned workman after holding Trade Test in May 1996. They disclosed that the said certificate was granted to the workman concerned on the basis of the Training provided by the management of M/s. BCCL Ltd., Dhansar, Dhanbad from 14-5-1992 to 13-5-1995.

Thereafter, he was regularised by the management as a Fitter Helper in Cat. II vide office order dt. 23-5-2000 on the recommendation of Departmental Selection Committee. They submitted that as per cadre Scheme the initial appointment is made in Cat. II provided the person is Matriculate with ITI qualification but in other cases initial appointment is made in Cat. I but there is no provision at all to get his posting in Cat. V. directly from Cat. II.

They submitted that in the instant case as per office record total strength of Fitter Cat. II in the unit is 31 out of which his seniority stands at Sl. No. 12. It is therefore evident that 11 Fitter helpers are senior to him who are to be considered for promotion in Cat. IV as Fitter before considering his promotion.

Accordingly, they submitted that demand of the concerned workman is absolutely unjustified and for which he is not entitled to get any benefit.

4. POINTS TO BE DECIDED.

"Whether the action of the management of BCCL, Bhowra Coke Plant in not regularising Shri Bhikhari B.P. in Mechanical Fitter Gr. V is justified ? If not, to what relief is he entitled and from what date ?"

5. FINDING WITH REASONS.

It transpires from the record that management with a view to substantiate their claim examined one witness as M.W.I. exparte. Sponsoring union on the contrary did not consider necessary to examine any witness on their part.

M.W.I. during his evidence disclosed that the concerned workman initially was appointed as Fitter Apprentice under provisions of the Apprenticeship Act 1961 on 4-3-1992. The appointment letter issued in that regard during his evidence was marked in Exht. M-1. It has been submitted by the management that there was no scope for automatic absorption on completion of training under Apprenticeship Act. Actually after completion of training opportunity was given to him to appear before the Selection Committee and the Selection Committee after holding test selected him for the post of Fitter Helper in Cat. II. The order to that effect during evidence of M.W. I was marked as Exht. M-2. As per merit list his name appeared in the 7th position. This witness disclosed that as per cadre Scheme next promotion for Fitter Helper is in the Cat. IV. Copy of the Cadre Scheme of E & M Personnel (Mechanical Fitters) during evidence of M.W. I was marked as Exhit. M-3 M.W. I during his evidence disclosed that promotion to higher grade only depends on his selection through DPC subject to availability of vacancy.

Neither the sponsoring union nor the concerned workman considered necessary to adduce any evidence with a view to substantiate his claim.

Based on the facts disclosed by the concerned workman in the written statement there is no dispute to hold that he was appointed as Fitter Apprentice and had to under go training in the Trade of Fitter from 14-5-92 to 13-5-95. Contention of the sponsoring union is that after completion of that training he was selected by the management as Fitter and started working as Fitter. This contention of the sponsoring union has categorically been denied by the management. It is the contention of the management that there was no scope at all for direct absorption in the post of Fitter without Trade Test/D.P.C.

Considering appointment letter of the concerned workman (Exht. M/1) there is no dispute to hold that during training period the concerned workman was placed under Cat. I wages and he was eligible to get incremental benefit.

By office order marked as Exht. M/2 his name is appearing in Sl. No. 7 in the merit list and he was placed in Cat. II as Fitter helper.

According to promotional channel of E & M Personnel (Mechanical Fitters) Cat. IV Exht. M/3 3 yrs. experience as Helper in Cat. II/2 years for matriculate with ITI is required subject to his coming out successfully in DPC/TT. Therefore, there is no scope at all to get direct promotion in the post of Mechanical Fitter Cat. IV from Cat. II . In such circumstances burden of proof rest on the sponsoring union establish their claim.

It transpires that the sponsoring union inspite of getting ample opportunity has failed to adduce any evidence with a view to substantiate their claim particularly when promotional channel of E & M Personnel (Mechanical Fitters) speaks otherwise.

It should be borne in mind that fact disclosed in the pleading can not be considered as substantive piece of evidence until and unless the same is substantiated by cogent evidence. Here in the instant case the sponsoring union have finished their duties just placing the claim of the concerned workman in their written statement. They did not consider necessary to adduce any evidence with a view to substantiate their claim. Based on the fact disclosed in the pleading there is no scope to uphold such contention of the sponsoring union.

In view of the facts and circumstances discussed above I hold that the sponsoring union has lamentably failed to justify their claim and for which I do not find and merit in their claim and for which the concerned workman is not entitled to get any relief.

In the result the following award is rendered :

"That the action of the management of BCCL Bhowra Coke Plant in not regularising Shri Bhikari B.P. in Mechanical Fitter Grade-V is justified.

Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 6 जुलाई, 2006

का.आ. 3022.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद II के पंचाट (संदर्भ संख्या 280/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2006 को प्राप्त हुआ था।

[सं. एल-20012/142/99-आईआर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 6th July, 2006

S.O. 3022.—In pursuance of Section 17 of the Industrial Disputes, Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 280/99) of the Central Government Industrial Tribunal/ Labour Court, Dhanbad -II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 5-7-2006.

[No. L-20012/142/99-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT : Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 280 of 1999

PARTIES : Employers in relation to the management of Govindpur Area of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workman	:	Mr. N.G. Arun, Representative of the workman.
On behalf of the Employers	:	Mr. D. K. Verma, Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 13th June, 2006.

AWARD

Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/142/99-IR (C-I) dated 16-7-1999.

SCHEDULE

"Kya BCCL ka Parbandh Tantra Dhayara Nimlikhit Sat Karmkaro Ko Une Timerate Pado Par Jis Par wa Karyarath Hai, Unka Barthman Baten ko Yatha Surashit Rakhtya Hua Nimaytih Na Kiya Jana Uchit Yayang Nayasangath Hai ? Yadhi Nahi to Karmkar Kis Rahat Ka Patra Hai Thath Kis Tarik Se (1) Prasadhi Mahar (2) Shivlal Manjhi (3) Kuljan Bhuiya (4) Rathi Lal Manjhi (5) Jahir Husan (6) Khem Chandra Babri (7) Bhupendra Mahato."

2. The case of the concerned workman according to written statement submitted by the sponsoring union on there behalf in brief is as follows :

The sponsoring union submitted that the concerned workmen are the workmen of the management of Govindpur Area. They submitted that though the management regularised them in time rated job did not consider necessary to protect their previous wages in the present scale of pay and thereby violated the guide line of J.B.C.C.I Circular.

As a result of which they raised an Industrial Dispute before ALC(C), Dhanbad which ultimately resulted reference to this Tribunal for adjudication.

It transpires from the record that in spite of giving ample opportunity management did not consider necessary to submit their written statement cum rejoinder.

3. **POINTS TO BE DECIDED**

"Kya BCCL ka Parbandh Tantra Dhayara Nimlikhit Sat Karmkaro Ko Une Timerate Pado Par Jis Par Wa Karyarath Hai, Unka Barthman Baten Ko Yatha Surashit Rakhtya Hua Nimaytih Na Kiya Jana Uchit Yayang Nayasangath Hai ? Yadhi Nahi To Karmkar Kis Rahat Ka Patra Hai Thath Kis Tarik Sa (1) Prasadhi

Mahar (2) Shivlal Manjhi (3) Kuljan Bhuiya (4) Rathi Lal Manjhi (5) Jahir Husan (6) Khem Chandra Babri (7) Bhupendra Mahato."

4. FINDING WITH REASONS

Neither the sponsoring union nor the management considered necessary to adduce any evidence with a view to substantiate the respective claim. It is also curious to note that management even did not consider necessary to submit written statement at least to place their counter claim. In view of such circumstances considering written statement submitted by the sponsoring union let it be considered how far the claim of the sponsoring union stands and if the concerned workmen are entitled to get any relief.

It is the contention of the sponsoring union that the concerned workmen have been working at Govindpur Area. The disclosed that when they were regularised in time rated job management ignored to give any pay protection to their present scale of pay illegally and arbitrarily and thereby violated the principle of natural justice.

Therefore, before taking into consideration of the allegation in question it is to be looked into on and from which period the concerned workmen were regularised in time rated job. The sponsoring union can not avoid their responsibility to produce cogent evidence in that regard. Actually from the written statement submitted by the sponsoring union there is no scope at all to draw any conclusion which relief they intended to seek against the management.

It is to be borne in mind that facts disclosed in the written statement can not be considered as substantive piece of evidence until and unless the same is substantiated by cogent evidence. Instant reference case was initiated by N.G. Arun, Organising Secretary, R.C.M.S. It is really astonishing to note that Mr. N.G. Arun though drafted the written statement practically forgotten its subject matter and for which it has become absolutely different which relief the sponsoring union claimed against the management.

I find no hesitation to say that sponsoring union have raised dispute without clarifying which relief the workmen deserve.

Most unhappily the written statement on behalf of the concerned workmen was drafted and based on the same there is no scope at all to arrive into any conclusion who and in which manner refused to consider the claim of the sponsoring union.

As the facts disclosed in the written statement can not be considered as substantive piece of evidence without its corroboration by cogent evidence there is no scope to support the claim in question. I find no hesitation to say that as the sponsoring union has lamentably failed to substantiate their claim the concerned workmen are not entitled to get any relief.

In the result the following award is rendered :

"The action taken by the management of M/s. BCCL in not regularising by keeping their existing wages intact to the seven workmen, working on the Time Rated posts, is proper and justified.

Consequently, the seven concerned workmen, as mentioned, below, are not entitled to get relief.

1. Parsadhi Mahar
2. Shivlal Manjhi
3. Kuljan Bhuiya
4. Rathi Lal Manjhi
5. Jahir Husan
6. Khem Chandra Babri
7. Bhupendra Mahato."

B. BISWAS, Presiding Officer

नई दिल्ली, 6 जुलाई, 2006

का.आ. 3023.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद II के पंचाट (संदर्भ संख्या 77/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2006 को प्राप्त हुआ था।

[सं. एल-20012/13/2000-आईआर (सी-I)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 6th July, 2006

S.O. 3023.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/2000) of the Central Government Industrial Tribunal/ Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 5-7-2006.

[No. L-20012/13/2000-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD.

PRESENT : Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 77 of 2000

PARTIES : Employers in relation to the Jairampur Colliery of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workman :	Mr. K. Chakraborty, Ld. Advocate
On behalf of the employers :	Mr. D. K. Verma, Ld. Advocate
State : Jharkhand	Industry : Coal

Dated, Dhanbad, the 14th June, 2006.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/13/2000-(C-I), dated, the 24th July, 2000.

SCHEDULE

"Whether the action of the management of Jayrampur Colliery of M/s. BCCL in dismissing Sri Gurupada Modi Miner/Loader from the services of the company w.e.f. 31-3-1998 is justified? If not, to what relief is the workman entitled?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman was a Minor/Loader at Jayrampur Colliery. They submitted that as the said workman was suffering from serious illness and remained under treatment of Company's Doctor and under private Doctor for a long period could not attend to his duties. They alleged that inspite of knowing this fact the Disciplinary Authority issued a charge sheet to him dt. 8-9-1997 with the allegation of committing misconduct on the ground of absentism. They submitted that on receipt of the said charge sheet the concerned workman submitted his reply denying all the charges brought against him but without accepting his reply the management initiated domestic enquiry against him through Enquiry Officer.

They alleged that the Enquiry Officer conducted domestic enquiry against him without affording full opportunity to him to defend his case and submitted a perverse report holding him guilty to the charges brought against him. The Disciplinary authority thereafter based on that perverse report dismissed him from service illegally, arbitrerily and violating the principle of natural justice.

They submitted that the concerned workman after he was dismissed from service submitted representation to the management with a prayer for his reinstatement in service recalling that order of dismissal but to no effect for which he was compelled to raise industrial dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring union accordingly submitted prayer to pass award directing the management to reinstate the concerned workman to his service with full back wages and consequential relief recalling that order of dismissal.

3. Management on the contrary after filing written statement cum rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman. They alleged that the concerned workman since his joining to service was in the habit of remaining himself absent from duty without giving any intimation or taking prior permission from the appropriate authority and for which on the ground of committing misconduct under clause 26:1:1 of the Certified Standing a charge sheet was issued to him dt. 8-9-97. After receipt of the said charge sheet concerned workman submitted his reply but as the same was far from satisfactory the Disciplinary Authority initiated domestic enquiry against him through Enquiry Officer who was appointed for this purpose. They submitted that the Enquiry Officer conducted domestic enquiry as per procedure and full opportunity was given to him to defend his case. They further submitted that the Enquiry Officer after completion of the said enquiry proceeding submitted his report holding the concerned workman guilty to the charges brought against him.

The Disciplinary Authority therafter considering the report submitted by the Enquiry Officer and also considering all aspects dismissed the concerned workman from his service.

They submitted that the Disciplinary Authority neither committed any illegality nor took any arbitrary decision in dismissing the concerned workman from service and for which the concerned workman is not entitled to get any relief in view of his prayer.

4. POINTS TO BE DECIDED

"Whether the action of the management of Jayrampur Colliery of M/s. BCCL in dismissing Sri Gurupada Modi Miner/Loader from the services of the Company w.e.f. 31-3-1998 is justified? If not, to what relief is the workman entitled?"

5. FINDING WITH REASONS

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration if domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. The said issue on preliminary point was decided vide No. 21 dt. 10-6-2004 in favour of the management.

Accordingly, now the point for consideration is if the management have been able to substantiate the charge brough against the concerned workman and if so, whether there is any scope to review the order of dismissal in view of provision laid down in Sec. 11-A of the Industrial Dispute Act.

It is the specific contention of the management that the concerned workman without giving any intimation or taking prior permission of the management started remaining himself absent from duty w.e.f. 21-9-1996. The charge sheet against him was issued dt. 8-9-1997 i.e. according to the management, he remained himself absent from duty w.e.f. 21-9-1996 till 8-9-1997.

Contention of the sponsoring union is that management issued that charge sheet to the concerned workman falsely and without any sufficient reason as he during the said period was lying seriously ill and he remained under treatment of the Company's Doctor as well as of the private Doctor. Therefore, according to facts disclosed by the sponsoring union the concerned workman was lying seriously ill and remained under treatment of the company's Doctor as well as under private Practitioner.

In course of hearing of the enquiry proceeding the Enquiry Officer gave him full opportunity to justify his claim that he was actually lying ill with cogent paper but neither the sponsoring union nor the concerned workman was able to produce a single medical paper in support of such claim. He has also failed to give any satisfactory explanation to that effect. Accordingly in absence of any cogent paper there is no scope to support his claim that owing to his illness he did not get scope to attend to his duty. In such circumstances there is sufficient reason to hold that the plea which he took about his ailment appears to be absolutely baseless. There is sufficient reason to hold that he remained on unauthorised absent during the period in question. I therefore, holds that management in course of hearing have been able to substantiate the charge brought against the concerned workman.

It is the contention of the management that as the concerned workman remained on unauthorised absent continuously for almost about a year without taking any prior permission or giving any intimation to the management, the Disciplinary Authority considering the report submitted by the Enquiry Officer and also considering all other aspects dismissed him from his service.

The order of dismissal of the concerned workman from his service during hearing was marked as Exht. M-10.

Now the point which is required to be considered is if the said order of dismissal issued against the concerned workman was justified, and if there is any scope to review the said order of dismissal.

Sec. 11-A of the Industrial Dispute Act speaks:

> "Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require."

Therefore, according to this provision it is to be taken into consideration if the said order of dismissal was justified and proportionate to the misconduct committed by him.

In view of my discussion above it is clear that the concerned workman remained himself absent from duty for almost a year without giving any intimation or taking prior permission from the management. The sponsoring union in course of hearing took a plea that as he was lying seriously ill during the said period to was not possible for him to attend to his duty. Inspite of taking such plea neither the sponsoring union nor the concerned workman in course of hearing was able to produce any cogent paper for upholding his claim. There is reason to believe considering the facts and circumstances that the said plea was created by the sponsoring union for their own interest. In this connection report submitted by Dy. CME, Jayrampur Colliery Exht. M-9 if looked into will expose clearly that during 1994 the concerned workman did not attend to his duty for a single day while during the year 1995 and 1996 he put his attendance only for 44 days and 74 days. The report submitted by the Dy. CME was not contradicted by the sponsoring union. Accordingly it will expose how deligent the concerned workman was in the matter of attending his duties. During the period of three years in all he put his attendance for 114 days only. During hearing the sponsoring union has failed to give any satisfactory explanation to this effect. Considering the facts and

circumstances there is ample scope to draw conclusion that the concerned workman considered the place of his work as recreation centre. Even he did not consider necessary to expose his repentance for the misconduct committed by him. For years together the attitude which he exhibited will expose clearly that he was misfit for the post where he was deployed. He absolutely ignored to maintain the discipline of the Company. Rather his role was detrimental in the matter of maintaining discipline in the place of work.

In view of the facts and circumstances discussed above I hold that the said order of dismissal was neither unjustified nor disproportionate to the misconduct committed by him and for which he is not entitled to get any relief.

In the result the following award is rendered :

"That the action of the management of Joyrampur Colliery of M/s BCCL in dismissing Sri Gurupada Modi, Miner/Loader from the service of the Company w.e.f. 31-3-98 is justified.

Consequently the concerned workman is not entitled to get any relief.

B. BISWAS, Presiding Officer.

नई दिल्ली, 6 जुलाई, 2006

का.आ. 3024.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद II के पंचाट (संदर्भ संख्या 152/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-06 को प्राप्त हुआ था।

[सं. एल-20012/285/2000-आईआर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 6th July, 2006

S.O. 3024.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 152/2000) of the Central Govemment Industrial Tribunal/ Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 5-7-06.

[No. L-20012/285/2000-IR(C-I)]

S. S. GUPTA, Under Secy

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD.

PRESENT. Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 155 of 2000

PARTIES : Employers in relation to the Management of M/s CCL and their workmen.

APPEARANCES:

On behalf of the workman :	Mr. K. Chakraborty, Ld. Advocate
On behalf of the employers :	Mr. D. K. Verma, Ld. Advocate;
State : Jharkhand :	Industry : Coal

Dated, Dhanbad, the 14th June, 2006.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/285/2000- (C-I), dated, the 30th October, 2000.

SCHEDULE

"Whether the demand of the union to regularise Sri Bandhan Mahato and 48 others as per list in various time rated job and to give financial benefits w.e.f. 1-1-1994 from the management of CCL Bachra Project is proper and justified? If so, to what relief are the concerned workman entitled and from what date?".

2. The case of the concerned workman according to written statement submitted by the sponsoring union on their behalf in brief is as follows :

The sponsoring union submitted that the concerned workman were originally appointed as piece rated workers and used to draw group VA wages since 1994-95. They submitted that as per direction of the management the concerned workman started working in different time rated job as mentioned in the list and in that capacity worked for more than 240 days in a year. They submitted that management against performing different time rated jobs is paying them only Cat. I wages without protecting their group wages which they used to draw as piece rated workers. Against such arbitrary decision they submitted representation to the management on several occasions but to no effect and for which they raised an Industrial Dispute before ALC (C) Ranchi for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring union accordingly submitted

prayer to pass award directing the management to regularise the conserned workmen in respective time rated job as per NCWA with protection of group wages along with consequential relief.

3. Management on the contrary after filing written statement cum rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workmen.

They subnmitted that the concerned workmen were originally appointed as piece rated workers as per norms the wages of the piece rated workers depend on the quantum of work done by them. Neither they enjoy any fixed pay scale nor they have any promotional avenue. Accordingly they submitted written options voluntarily to perform miscellaneous jobs in time rated category-I. They alleged that inspite of giving option in writing to work as time rated workers they have come forward with the present claim as an afterthought with malafide intention and with ulterior motive to exploit the management which is public sector undertaking. Accordingly they submitted prayer to pass award rejecting the claim of the sponsoring union.

4. POINTS TO BE DECIDED.

"Whether the demand of the union to regularise Sri Bandhan Mahato and 48 others as per list in various time rated job and to give financial benefits w.e.f. 1-1-1994 form the management of CCLBachra Project is proper and justified? If so, to what relief are the concerned workman entitled and from what date?".

5. FINDING WITH REASONS

It transpires from the record that neither the sponsoring union nor the management considered necessary to adduce any evidence either oral or documentary with a view to substantiate their respective claim though they made their respective arguments based on the facts disclosed in the pleadings.

It is the contention of the sponsoring union that originally the concerned workmen were piece rated workers and used to draw Group VA wages. It is their contention that for their interest management deployed them in miscellaneous time rated jobs since 1994-95 against permanent vacancy in Cat. I without protecting their wages which they would draw under group wages as piece rated workers and for which they have sustained financial loss. They submitted that inspite of submitting representation management did nothing to redress their grievances.

As per contention of the management, they did not deny the fact that the concerned workman excepting (1) Suran Kahar (2) Vifa Oraon (3) Guru Pahan were not originally employed as piece rated workers. It is their categorical submission that these three workmen never worked under the specific project. It has been submitted by the management that the concerned workmen though originally were employed as piece rated workers subsequently on their own prayer in writing were converted to time rated workers in Cat. I as they realised that there was no promotional avenue for piece rated workers.

It is settled principle as per N.C.W.A. that piece rated workers neither enjoy any regular pay scale like time rated workers nor they are eligible to enjoy any promotional benefit and other facilities which the time rated workers enjoy. Actually their wages depend on the quantum of work which they perform day to day and obviously the said wages varies day to day based on the performance of their job. Considering the submissions of both sides there is no dispute to hold that originally these workmen though employed as piece rated workers at subsequent stage were converted as time rated workers. It is the specific contention of the management that status of those workers were changed to time rated workers from piece rated workers based on the prayer which they made in writing. This specific submission of the management has not been denied by the sponsoring union. There is no dispute to hold that status and service condition of a piece rated worker can not be equated with the status and service condition of a time rated worker. A time rated worker as per provision laid down in N.C.W.A. enjoys specific pay scale with all benefits which a piece rated worker is not eligible to enjoy. The wages of a piece rated worker depends on the quantum of production which he made day to day but fixation of wages to the time rated worker does not follow that guide line. Therefore, burden of proof rest on the sponsoring union to establish that the wages which a piece rated worker draws based on production shall be considered as the yardstick in the matter of fixation of wages when they are placed in specific scale in time rated category. It is evident from the pleadings of both sides that as per option given by the concerned workmen they were placed in time rated category and at that time they did not raise any dispute. Had that been so they were very much eligible to submit their representation for reswitching over to piece rated workers. Inspite of getting ample opportunity in course of hearing the sponsoring union has failed to produce any cogent document to substantiate their claim. It is not evident that management either by exerting under influence or by way of coercion changed the status of the workmen from piece rated to time rated category-I. They have also failed to establish that they are entitled to get pay protection for the excess wages which they used to draw as piece reted workers.

It is to be borne in mind that facts disclosed in the pleading can not be considered as substantive piece of evidence without its corroboration by cogent evidence. It is seen that inspite of giving ample opportunity the sponsoring union failed to adduce any cogent evidence based on which there was scope to uphold their contention.

Accordingly, after careful consideration of all the facts and circumstances I hold that as the sponsoring union has failed to substantiate their claim they are not entitled to get any relief.

In the result the following award is rendered :

"That the demand of the union to regularise Sri Bandhan Mahato and 48 others (as per list) in various time rated job and to give financial benefits w.e.f. 1-1-1994 from the management of C.C.L. Bachra Project is not proper and justified.

Consequently they are not entitled to get any relief."

B.BISWAS, Presiding Officer

ANNEXURE 'A'

Sl.	Name	Designation	EMPCODE	WORK	SINCE
1	2	3	4	5	6
1.	Bandhan Mahto	P/R	180545	Driller	1995
2.	Ratnu Oraon	P/R	180424	Driller	1994
3.	Madhwa Mahto	P/R	180622	Driller	1996
4.	Kari Mohan Mahto	P/R	180624	Driller	1995
5.	Somar Mahto	P/R	180734	Driller	1995
6.	Jugeshwar Oraon	P/R	180401	Driller	1995
7.	Prabhu Mahto	P/R		Driller	1995
8.	Vifa Oraon	P/R	180748	Driller	1996
9.	Manku Mahto	P/R	180477	Driller	1996
10.	Etwa Munda	P/R			
11.	Sudhwa Munda	P/R		Driller	1995
12.	Mohan Mahto	P/R	180662	Explosive Carrier	1995
13.	Gouri Shankar Saw	P/R	180547	Explosive Carrier	1995
14.	Sudhwa Ram	P/R	180550	Explosive Carrier	1995
15.	Banwari Pahan	P/R		Explosive Carrier	1996
16.	Budhwa Ram	P/R		Explosive Carrier	1995
17.	Jagdish Oroan	P/R	180299	Explosive Carrier	1995
18.	Sugriv Mahto	P/R		Explosive Carrier	1995
19.	Suran Kahar	P/R		Explosive Carrier	1996
20.	Chithu Oraon	P/R	180661	Timber Setter Helper	1996
21.	Sohrai Kurmi	P/R	130794	Timber Setter Helper	1996
22.	Guru Pahan	P/R		Timber Setter Helper	1996
23.	Subedar Oraon	P/R		Timber Setter Helper	1996
24.	Rohan Mahto	P/R	180709	Timber Setter Helper	1996
25.	Sulu Munda	P/R	180433	Timber Setter Helper	1996
26.	Bachu Mahto	P/R	180654	Timber Setter Helper	1998
27.	Sukar Mahto	P/R	180653	Timber Setter Helper	1998
28.	Goltan Mahto	P/R	180625	Timber Setter Helper	1997
29.	Nago Mahto	P/R		Timber Setter Helper	1996
30.	Gula Pahan	P/R	180791	Timber Setter Helper	1995
31.	Karma Munda	P/R	180723	Timber Setter Helper	1995
32.	Viru Munda	P/R	180428	L.H.D. Helper	1995
33.	Tribhuwan Mahto	P/R	180648	L.H.D. Helper	1996
34.	Dhanilal Mahto	P/R	180544	L.H.D. Helper	1996
35.	Yodhan Mahto	P/R	180652	L.H.D. Helper	1996
36.	Somar Oraon	P/R		L.H.D. Helper	1996
37.	Sunil Ram	P/R	180633	Conveyor Khalasi	1996

1	2	3	4	5	6
38.	Raghubir Saw	P/R	180626	Conveyor Khalasi	1995
39.	Rambrich Saw	P/R	18034	Conveyor Khalasi	1995
40.	Lalku Munda	P/R		Conveyor Khalasi	1996
41.	Rajdeo Prasad	P/R	180611	Munshi	1995
42.	Kaileshwar Mahto	P/R		Driller	1996
43.	Etwa Munda	P/R	1806	Ventilation	1995
44.	Sudhan Mahto	P/R		Ventilation	1995
45.	Muneshwar Saw	P/R	180373	Bady Searcher	1997
46.	Ramchandra Modi	P/R	180602	Driller	1996
47.	Kaileshwar Mahto	P/R		Driller	1996
48.	Jagdyal Turi	P/R	804026	Ventilation	1994
49.	Ganpati Karmari	P/R	180930	Black Smith	1998

नई दिल्ली, 6 जुलाई, 2006

का.आ. 3025.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-2 के पंचाट (संदर्भ संख्या 85/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2006 को प्राप्त हुआ था।

[सं. एल-20012/173/98-आईआर (सी-I)]

एस.एस.गुप्ता, अवर सचिव

New Delhi, the 6th July, 2006

S.O. 3025.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 85/1999) of the Central Government Industrial Tribunal/ Labour Court, Dhanbad II now as shown in the Annexure in the Industriai Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 5-7-2006.

[No. L-20012/173/98-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT. Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 85 of 1999

PARTIES : Employers in relation to the management of Sudamdih Shaft Mine of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workman : Mr. K. Chakravorty, Ld. Advocate

On behalf of the employers : Mr. S.N. Sinha, Ld. Advocate

State : Jharkhand : Industry : Coal

Dated, Dhanbad, the 14th June, 2006

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/173/98-IR (C-I) dated, the 27th January, 1999.

SCHEDULE

"Whether the action of the management of Sudamdih Shaft Mine of M/S. BCCL in not referring the case of Sh. Prafulya Shekhar to Apex Medical Board for determination of his age in view of the objection raised in the service excerpts and difference in the date of birth in the records of the company as per the provisions of I.I. No. 76 is justified ? If not to what relief is the workman entitled. ?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman is working as a permanent Electric Fitter at Sudamdih Shaft Mine. They submitted that at the time of appointment his date of birth in the official register was recorded as 1-6-1945. After his appointment management issued Identity Card to him wherein his age was recorded as 36 years as on 1-1-97. They submitted that in the year 1987 management issued a service excerpt to the concerned workman wherein his age was recorded as 1-6-1939.

Accordingly the concerned workman raised his objection as regards to wrong recording of his date of birth in the service excerpts and disclosed that his actual date of birth is 1-6-1945 but the management neither accepted the age as disclosed by him nor referred him to Medical Board for determination of his age. They submitted that there is a glaring difference of his age recorded in the Form B Register and in the Identity Card and for which according to J.B.C.C.I Circular No.76 it was mandatory on the part of the management to refer him to Apex Medical Board for determination of his age. They alleged that management neither accepted the age as stated by the concerned workman nor considered necessary to refer him to Medical Board for determination of his age and for which they are contemplating than no will be superannuated by the management from his service from June, 99. Accordingly, through sponsoring union he raised an Industrial Dispute before ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The concerned workman accordingly submitted prayer to pass award directing the management either to accept his date of birth as 1-6-1945 or to determine his age through Medical Board Strictly in compliance to Medical Jurisprudence.

Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that in all statutory registers of the management including Form B Register date of birth of the concerned workman was recorded as 1-6-1939 while he was appointed on 1-6-1963 by the management. They submitted that Identity Card is not a statutory document. It simply used for identification of a workman who works under the management and for which it has no authenticity about correctness of the date of birth recorded therein on the ground that there is every possibility of its tampering. They disclosed that after receipt of the service excerpt in the year 1987 i.e. after rendering 24 years of service the concerned workman raised dispute about wrong recording of his date of birth therein but in support of such claim he failed to produce any authentic document and for which demand for correction of his date of birth based on the date of birth recorded in the identity card could not be entertained.

Management accordingly submitted prayer to pass award rejecting the claim of the concerned workman.

4. POINTS TO BE DECIDED

"Whether the action of the management of Sudamdih Shaft Mine of M/s. BCCL in not referring the case of Sh. Prafulya Shekhar to Apex Medical Board for determination of his age in view of the objection raised in the service excerpts and difference in the date of birth in the records of the company as per the provisions of I.I. No.76 is justified? If not, to what relief is the workman entitled?"

5. FINDINGS WITH REASONS

It transpires from the record that neither the sponsoring union nor the management adduced any evidence either oral or documentary to substantiate their respective claim. Accordingly based on the facts disclosed in the pleadings of both sides let it be considered if the claim of the concerned workman stands on cogent footing or not. It is admitted position that the concerned workman got his appointment under the management on 1-6-1963 as Electric Fitter at Sudamdih Shaft Mine. Contention of the concerned workman as per written statement is that at the time of appointment his date of birth was recorded by the management as 1-6-1945. He submitted that in 1987 management issued service excerpt to him where from he came to know that his date of birth was wrongly recorded as 1-6-1939 instead of 1-6-1945. Accordingly, he raised his protest and submitted representation to the management to correct his date of birth as 1-6-1945 instead of 1-6-1939 as per date of birth recorded in the identity card which was given to him by the management. He further requested the management to send him to Apex Medical Board for his medical test to assess his age but management ignored his prayer and for which he was compelled to raise industrial dispute.

Copy of the service excerpt produced by the concerned workman shows that his date of birth was recorded as 1-6-1939. After receiving the said service excerpt concerned workman gave a note therein disclosing his date of birth as 1-6-1945. On the contrary management in their pleading categorically disclosed that in all statutory registers including Form B Register date of birth of the concerned workman was recorded as 1-6-1939. Even in the service file, service card and in CMPF record his date of birth was recorded as 1-6-1939. They submitted that service excerpt was prepared on the basis of particulars recorded in the Form B Register.

It is their contention that when in all statutory registers date of birth of the concerned workman was recorded as 1-6-1939. Question of reassessment of his age again through Apex Medical Board is redundant as I.D. Card never be considered as Statutory Register. I.D. Card is used simply for indentification of a workman. They further submitted that as the I.D.Card is lying in the custody of the workman there is every possibility of its tampering and for which the said card in any circumstances can not be considered as authentic documents to consider the age of a workman.

There is no dispute to hold that I.D. Card which is lying in custody of a workman can not be considered as authentic documents to assess the age of a workman. It is the contention of the workman that when a discrepancy arose it was obligatory on the part of the mangement to reassess his date of birth through Apex Medical Board.

Before taking into consideration of this fact it is to be noted that as per serivce excerpt the educational qualification of the concerned workman is "Nineth Class Pass". Therefore it is clear that the concerned workman in no way be considered as an illiterate person and he submitted certificate for his academic qualification at the time of his entry in service. Therefore, if the said certificate as well as admission register from the school was produced its authenticity would defenitely expose which date of birth was record therein when he had got his admission there. Burden of proof accordingly rests on the concerned workman to prove his claim. It is seen that inspite of getting ample opportunity neither the sponsoring union nor the concerned workman considered necessary to adduce any evidence with a view to substantiate this claim. It is to be born in mind that facts disclosed in the pleading can not be considered as substantive piece of evidence if the same is not admitted by the opposite party. Identity Card which is lying in possession of the workman can never be considered as authentic document to uphold his claim relating to his date of birth. It is seen that inspite of getting ample opportunity the sponsoring union has failed to produce any cogent paper based on which the claim of the concerned workman that his date of birth was 1-6-1945 could be substantiated.

Accordingly, considering the facts and circumstances discussed above I hold that neither the concerned workman nor the sponsoring union has been able to substantiate the claim in question with reasonable certainity and for which he is not entitled to get any relief in view of his prayer.

In the result the following award is rendered :

"That the action of the management of Sudamdih Shaft Mine of M/s. BCCL in not referring the case of Sh.Prafulya Shekhar to Apex Medical Board for determination of his age in view of the objection raised in the service excerpts and difference in the date of birth in the records of the company as per the provision of J.B.C.C.I. Circular No. 76 was justified.

Consequently the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 10 जुलाई, 2006

का.आ. 3026.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब व सिन्ध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, चंडीगढ़ के पंचाट (संदर्भ संख्या 15/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12011/222/2000-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th July, 2006

S.O. 3026.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2001) of the Cent. Govt. Industrial. Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure in the industrial dispute between the management of Punjab & Sind Bank and their workmen, received by the Central Government on 10-7-2006.

[No.L-12011/222/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH

Case No. I.D. 15/2001

The General Secretary, Pb. & Sind Bank Staff Organization C/o 267/2, Sant Nagar, Trimu Road, Gurdaspur.

Applicant

Versus

The Regional Manager, Pb. & Sind Bank, Regional Office, Gurdaspur.

Respondent

APPEARANCE

For the workman : Sh. Paramjit Singh Goraya
For the management : Sh. J. S. Sathi

AWARD

Passed on 21-6-06

1. Central Govt. vide No. L-12011/222/2000/IR/(B-II) dated 10-01-2001 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Punjab & Sind Bank represented through its Regional Manager Gurdaspur in denying promotion to Sh. Sukhdev Singh on account of not treating the period of his suspension w.e.f. 18-12-1989 to 6-9-1992 as period spent on duty without holding enquiry and

promoting his juniors before him is just, fair and legal ? If not, what other relief the workman is entitled to and from which date ?"

2. Brief facts of the case are that workman in his claim statement submitted that he was falsely implicated in a corruption case and he was acquitted by the Special Judge Gurdaspur on 3-8-92 but the management despite his acquittal did not treated his suspension period w.e.f. 18-12-1989 to 6-9-92 as period spent on duty without holding enquiry and promoting his juniors before him. No disciplinary action was ever taken against him under rule 19:11 and 19:12 and without holding enquiry, he was punished and made junior because of not treating his suspension period as on duty.

3. On the other hand management submitted that claim is false. The workman was not honorably acquitted. He was acquitted by giving him benefit of doubt. The management also raised preliminary objection (1) that for the suspension period and for monetary benefits, workman filed an application U/s 33 C(2) of the I.D. Act which was withdrawn by him on 2-11-1993 and thereafter a civil suit before the Senior sub Judge Gurdaspur challenging order dated 5-7-92 and 20-5-1993 for chaiming all benefits and for challenging the order of record dated 16-8-93 was filed. The said suit was dismissed in default on 16-11-1995 which was not restored by the workman. As such the reliefs claimed in the present reference which are consequential to the relief claimed before the Labour court is barred by the principles of res-adjudicata as he choose to avail that forum to claim his rights.

4. That factum regarding filing of the petitioners mentioned in para No. 1 of the written statement. The workman has not brought in the claim statement as such the reference deserves to be rejected on account of suppression of material facts.

5. That workman was involved in a criminal case of corruption and was acquitted by giving benefit of doubt. The workman after commencement of trial was suspended on 18-12-1989 and after completion of criminal trial wherein he was acquitted by giving benefit of doubt, he was reinstated on 7-9-92.

6. In view of the fact that he was acquitted by giving benefit of doubt the Regional Manager ordered that workman shall not be entitled to receive salary for the period of suspension except subsistence allowance already drawn by him. Action was taken by the management under clause 19:3 of the Bipartite Settlement which provides that if employee is acquitted after giving benefit of document he made be paid such portion of such pay and allowances as the management may deem proper and the period of his absence shall not be treated as period spent on duty unless the management so direct. Relevant portion is as under :

> "Provided that if he be acquitted, it shall be open to the management to proceed against him under the provisions set out below in clause 11 and 12 infer relating to discharge. However, in the event of the management deciding after inquiry not to continue him in service, he shall be liable only for termination of service with three months pay and allowances in lieu of notice. And he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to full pay and allowances minus such subsistence allowance as he has drawn and to all other privileges for the period of suspension provided that he be acquitted by being given the benefit of doubt he may be paid such portion of such pay and allowances as the management may deem proper and the period of his absence shall not be treated as a period spent on duty unless the management so direct."

7. It is also submitted that as the suspension period was treated not on duty, hence as a result and consequences, he also become junior and not given promotion, but it is a fault of the workman as he was not honorably acquitted.

8. The workman to prove his case examined himself as WW1 and management examined Makhan Singh as MW 1 only witness. Both were cross-examined at length by the rival counsels.

9. Both parties filed written arguments and also advanced oral final arguments. Learned counsel for the workman submitted that as per the law referred workman acquitted though his acquittal was on benefit of doubt and this acquittal is honorable acquittal. He also referred to 2000 Cri. L. J. 4591 State of Andhra Pradesh Vs. J. B. Singh, 2005 (1) RSJ Page 718, Shashi Kumar Vs. Uttr Haryana Bijli Vitran Nigam and another a judgement of our own High Court., 2005 (1) RSJ 723 Mam Chand Jain Vs. State of Haryana and another, AIR 1960 Mad. Page 325 Union of India Vs. Jairam Damodar Timiri 1974 C. L. R. 567. Workman also referred a judgement 2006 (1) RSJ page 485 Bhag Singh Vs. Punjab & Sind Bank. He submitted that this judgement fully apply to the case of the workman and on the basis of this judgement workman is entitled for the relief claimed.

10. On the other hand, learned counsel for the management in rebuttal submitted in arguments that firstly the workman has concealed the material facts and also taken a legal recourse by filling an application U/s 33 C (2) of the I. D. Act before the Labour Court Gurdaspur and also filed a civil suit claiming all what he has claimed herein in this Tribunal. The civil suit at Gurdaspur was dismissed in default and his application U/s 33C(2) was dismissed as withdrawn without permission to file a fresh claim. He also submitted that in view of Bipartite Settlement which is itself a code in adjudicating industrial disputes between the parties. Clause 19 : 3 provides that in case of acquittal by giving benefits of doubts-suspension period is to be

treated as per discretion of management. He also submitted that in view of above provision in the settlement, it is the management to decide whether suspension period is to be treated as period without duty or on duty and workman is nothing to do and while doing so, the management is not required to comply provision 19 : 11 and 19 : 12 to hold any enquiry for taking decision on the period. He also referred to 2001 (2) SCT page 803 a judgment of our own High Court wherein it is held as under :

> "The Labour Court also held that workman had two remedies open (1) under the general Civil Law i.e. before Civil Court and (ii) under the Industrial Disputes Act. When the petitioner had availed the first remedy before the competent authority by filing civil suit and got it dismissed as withdrawn without seeking permission to file reference before the Labour Court and has therefore, lost right to get his remedy under the I.D. Act."

11. In 1994(1) page 542 a judgement of Hon'ble Supreme Court, Reserve Bank of India Vs. Bhopal Singh Panchal it is held that decision of the appellant bank not to treat the suspension period as duty and not to grant full pay and allowance for this period because the employee was acquitted by the High Court on benefit of doubt was upheld as it was not a honorable acquittal. The management has a right to decide about the suspension period. Therefore, workman failed to prove the reference in his favour. On the other hand management has proved this reference in their favour that action of the management in denying promotion to Sukhdev Singh on account of not treating the period of his suspension w.e.f. 18-12-1989 to 6-9-92 as period spent on duty without holding enquiry and promoting his junior before him is just a, fair and legal.

12. In view of the above submissions of both parties and my persual of oral evidence, documents and judgement of Anti Corruption Court in case of the workman and judgements referred by both the parties, I found that workman has manly relied on the judgement of out own High Court in which he also moved an application for consideration in case of Bhag Singh Vs. Punjab & Sind Bank 2006(1) RSJ page 485. In this case Hon'ble High Court has ordered that petitioner is entitled to full pay and allowance for the suspension period as in the above referred judgement it was held by the Hob'ble High Court that there was no evidence against the accused workman. Management has relied 1994 (1) page 542 in Reserve Bank of India Vs. Bhupal Singh a judgement of Hon'ble Supreme Court wherein Hon'ble Supreme Court has held that the management has a right to decide about the suspension period and the decision of the management not to consider the suspension period on duty is correct as the workman was acquitted on benefits of doubt.

13. I have also found that in the judgement of our own High Court Bhag Singh Vs. Punjab & Sind Bank, the Hon'ble High Court granted full pay and allowance in this case as there was no evidence at all and trial court acquitted the workman but the same has mentioned benefit of doubt giving reasons that there was no evidence against the accused workman. I have gone through the judgement of High Court in case of workman petitioner Sukhdev Singh. Here I have found that in this case facts are different as in the referred case the management decided to hold enquiry and in the present case management did not prefer to hold enquiry and invoke the powers of the management under clause 19:3 (c) of the Bipartite Settlement. Observations of the court were different. In this case of the workman the trial court has held that as complainant and one witness of recovery are hostitle and not supporting the prosecution case but one witness is supporting the complainant case. In the present judgement of the trial court PW 2 Gurpal Singh supported prosecution and therefore, trial court acquitted on the ground of given benefit of doubt.

14. Therefore, in view of the above I hold that the judgment relied by the workman is not fully applicable in the case of the workman and judgment relied by the management 1994(1) page 542 (supra) a judgment of the Hon'ble Supreme Court in RBI Vs. Bhopal Singh Panchal is fully applicable as the Hon'ble Supreme Court has held that the powers of the management to decide either way the treatment of suspension period as on duty or not. It is the prerogative of the management whether in case the accused is acquitted by giving benefit of doubt. Further more as submitted by the counsel for the management that workman concealed the material facts as well. He filed an application U/s 33(C) (2) of the I.D. Act for taking the same relief which was dismissed as withdrawn by him and a civil suit also filed for similar relief, dismissed in default, not restored. In earlier petition under I.D. Act, workman did not sought the permission to file fresh case.

15. As submitted by learned counsel for the management that on these two scores, the case of the workman is also not tenable and he also failed due to the above reason as the case is barred by the principle of res judicata.

16. In view of the above submissions, I hold that workman failed to prove his case, whereas the management fully proved that the action of the management of Punjab & Sind Bank represented through its Regional Manager Gurdaspur in denying promotion to Sh. Sukhdev Singh on account of not treating the period of his suspension w.e.f. 18-12-1989 to 6-9-1992 as period spent on duty without holding enquiry and promoting his juniors before him is just, fair and legal and workman is not entitled to any relief. The reference is answered accordingly. Central Govt. be informed. File be consigned to record.

Chandigarh.

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 10 जुलाई, 2006

का.आ. 3027.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 50/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/193/98-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th July, 2006

S.O. 3027.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/99) of the Cent. Govt. Industrial. Tribunal-cum-Labour Court, Kanpur (U.P.) as shown in the Annexure in the industrial dispute between the management of Central Bank of India, and their workman, received by the Central Government on 10-7-2006.

[No. L-12012/193/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, 117/9 SARVODAYA NAGAR, KANPUR, UTTAR PRADESH

Industrial Dispute No. 50 of 1999

In the matter of dispute between :

Sri Tribhuwan C/o Rajesh Chandra Tiwari,
The Asstt. General Secretary,
Central Bank Staff Association,
13/11 Shivnagar Colony, Allahabad.

AND

The Regional Manager,
Central Bank of India,
Regional Office Lanka,
Varanasi.

AWARD

1. Central Government, MOL, New Delhi, vide notification No. L-12012/193/98-IR (B-II) dated 8-3-99 has referred the following dispute for adjudication to this tribunal :—

"Whether the claim of Sri Tribhuwan that he has worked as peon with the management of Central Bank of India from 15-4-89 to 31-3-93 and has completed 240 days service in 12 consequtive months is correct. Whether the action of the management of Central Bank of India in terminating the services of Sri Tribhuwan w.e.f. 1-4-93 is justified. If not what relief the workman is entitled for ?

2. From the above schedule of reference order it is amply clear that it relates to in two part. First part is to the effect whether the claimant Tribhuwan had worked with the bank as peon during the period 15-4-89 to 31-3-93, whereas the second part of the same relates to the justification of the termination of the services of the claimant w.e.f. 1-4-93. In the opening paragraph of the statement of claim it has been mentioned by the workman that initially he was engaged by the bank on 15-4-89, but instead of 15-4-79, date of his engagement has wrongly been mentioned as 15-4-89 in the schedule of reference order. Tribunal or a party to a dispute is not competent to make any change in the dates mentioned in the schedule of reference order and in view of it date of engagement of the applicant as mentioned in the reference order is taken to be correct and allegation made contrary to this effect cannot be accepted by the tribunal.

3. It has further been alleged by the applicant that he was appointed with the opposite party bank at its Civil Lines Branch, Allahabad, as temporary peon and performed his job for full office hours and that the applicant was paid Rs. 8 per day as his wages in violation of Government guide lines which was gradually enhanced to Rs. 25 per day. With a view to frustrate the claim of the applicant initially the workman was paid his wages as benami but from 20-4-91 onwards the applicant was paid his wages in his own name. The applicant also performed the job of a peon regularly in the bank. It has also been alleged that as the applicant had worked continuously for over 240 days of temporary service of a peon his services ought to have been regularized by the bank in accordance with Government guide lines as contained in circular dated 12-3-91 vide para 3.1 of the same. The applicant worked continuously with the opposite party bank still his services were dispensed with by the bank w.e.f. 1-4-93 without assigning any reason and also in violation of the provisions of Section 25F of Industrial Disputes Act, 1947. The applicant has also not been paid any notice, notice pay or retrenchment compensation at time of dispensation of his services by the opposite party bank. On the basis of above submissions it has been prayed by the applicant that the claim of the applicant is liable to be allowed and the applicant be held entitled for his reinstatement with full back wages and all consequential benefits.

4. The opposite party bank contested the claim of the applicant on variety of grounds. It has been alleged that it is absolutely wrong to allege that the applicant was engaged on temporary basis at the post of peon. In fact his engagement was in accordance with need basis and accordingly he was paid his wages at daily rate basis. His discontinuance from the services was by efflux of time. Service conditions applicable to regular and permanent employees of the bank were not applicable. Since the

applicant was never issued any appointment order or termination order discontinuance of his service cannot be construed as a retrenchment entitling him to the protection of various provisions of Industrial Dispute Act, 1947. The status of the applicant was not better than a casual labour and according to settled principle of law a casual labour cannot claim any right on regular post which are required to be filled after adhering the regular selection process. On the basis of above it has been prayed that the claim of the applicant is devoid of merit and is liable to be rejected.

5. After exchange of pleadings between the parties both contesting parties have lead oral evidence. Whereas workman has examined himself as w.w.1, opposite party bank examined its senior manager Sri R.K. Seth, as M.W. 1 in support of their case.

6. I have heard the parties representatives at length and have also gone carefully through the record of the case. The main controversy involved in the case is as to whether the applicant during the period 15-4-89 to 31-3-93 had worked or completed 240 days of service in 12 consecrative months. On this point there is solitary testimony of the applicant who in his statement on oath has stated that initially he was paid his wages at Rs. 8 per day. He was engaged at bank's civil lines branch as peon at Allahabad. He admitted that he was not paid for holidays. From 1991 opposite party started making payment of his wages through voucher. He in the end admitted that he was not paid any retrenchment compensation at the time of dispensation of his service by the bank. In his cross-examination the witness has admitted that bank had never issued any appointment order or termination order, he had never applied for any job in the bank. From the admission of the workman it is quite evident that he not able to know as to during which period he worked with the bank as temporary peon. The workman has not even whispered even a single word about the period of his working with the bank as temporary peon. Even mere oral evidence would not be sufficient to believe the contention of the workman in the absence of any corroborative evidence. From a perusal of record it is quite evident that the workman has failed to establish his claim that he worked with the bank as temporary peon during the period 15-4-89 to 31-3-93 even by filing of secondary evidence. When the claim of the workman falls there remains hardly any need to discuss the evidence of the opposite party bank on the issue involved. As the workman has failed to prove his claim that he worked continuously over 240 days during the period mentioned in the first part of the reference order, the claim regarding second part of the reference order automatically fails and the workman on the basis of above discussions cannot be held entitled for any relief as claimed by him.

7. In view of above discussions, it is held that the applicant has failed to prove his claim that he continuously worked with the opposite party bank as temporary peon for over 240 days during the period 15-4-89 to 31-3-93 second part of the reference order becomes redundant. Accordingly held that the workman is not entitled for any relief and his claim is liable to be rejected and is rejected.

8. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer.

नई दिल्ली, 10 जुलाई, 2006

का.आ. 3028.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 40/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/126/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th July, 2006

S.O. 3028.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 10-7-2006.

[No. L-12012/126/2004-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-40/2005

Reference No. L-12012/26/2004 IR (B-II)

Sh. Fateh Singh Rawat,
s/o Sh. Chitariya Prasad,
Vill. & Post Sakhwara,
Tehsil Sapaiu, Distt. Dholpur (Raj.) .....Applicant

Versus

The Regional Manager,
Bank of Baroda,
Regional Office,
Anand Bhawan, 4th Floor,
Sansar Chandra Road, Jaipur ....Non-applicant

PRESENT :

Presiding Officer : SH. R.C. SHARMA

For the applicant	:	Sh. Suresh Kashyap
For the non-applicants	:	Sh. T.P. Sharma
Date of award	:	5-6-2006

AWARD

1. The Central Government in exercise of the powers conferred under clause 'D' of sub-sections 1 & 2(A) to Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') has referred this Industrial Dispute for adjudication to this Tribunal which runs as under :

"Whether the claim of Sri Fateh Singh Rawat that he was engaged as Peon-cum-Daftary by the management of Bank of Baroda during the period from 21-1-1999 to 1-7-2003 justified ? If so, whether the management is justified in terminating his services thereafter and what relief is the disputant concerned entitled to ?"

2. The workman has pleaded in his claim statement that he was engaged as a 4th class on 21-1-1999 by the non-applicant, who continuously worked till 1-7-2003, on which date his service was terminated without complying with the provision under Section 25-F of the Act. He has further stated that he completed over 240 days of work during each calendar year and has urged that he be reinstated in the service with all consequential benefits.

3. Disputing the claim, the non-applicant in his written counter has averred that the workman was never employed in the bank and that after following the prescribed selection procedure the persons are employed in the bank. He has also denied that the workman has put in over 240 days of work during his employment.

4. On pleadings the following points for determination were framed :

I. Whether the workman was employed on 21-1-1999 as a 4th class, who continuously worked till 1-7-2003, on which date his service was terminated in violation of Section 25-F of the Act ? BOA

II. Relief, if any.

5. In the evidence, the workman has submitted his affidavit and in the rebuttal the counter affidavits of MW-1 LL Meena, the Branch Manager, MW-2 Rajesh Kumar, Officer and MW-3 Sarvesh Kumar Singh, Branch Manager have been placed on the record. All these witnesses were cross-examined by the respective opposite representatives.

6. Both the parties have also led the documentary evidence.

7. I have heard both the parties and have scanned the record. The point wise discussion follows as under :

Point No. 1

8. The ld. representative for the workman contends that on 21-1-1999 the workman was employed as a 4th class, whose services were terminated on 1-7-2003. When he raised the Industrial Dispute before the Competent Government, it refused to refer the dispute to the CGIT and he preferred the Writ Petition before the Hon'ble Rajasthan High Court, which directed the Competent Government to refer his dispute. The ld. Representative further submits that the non-applicant could not specifically deny the claim of the workman and could not disclose as to how many days the workman had worked with the bank and has not come with the clean hands. The ld. Representative in support of his submission that the workman has completed 240 days of work in the calendar year has placed his reliance on the letter Ex. W-1. The next contention advanced on behalf of the workman is that the allegation that the workman has forged his signatures on the vouchers is not proved by the management evidence.

9. Per contra, the ld. representative for the bank submits that the workman has faild to prove that he had completed 240 days of work in a calendar year by way of producing the proof and merely saying is not enough. His assertion is that the burden lies upon the workman to prove this fact but he has not filed any document in this regard. The ld. representative has then contended that the workman had worked only for 89 days and challenging the conduct of the workman has pointed out that to get the benefit he had struck off the names of other daily wagers on the vouchers and put his signatures on them, which is a case of forgery.

10. I have bestowed my thoughtful consideration to the rival contentions.

11. In (2005) 8 SCC. 750 Surendranagar Distt - Panchayat vs. Dahyabhai Amar Singh, the Hon'.ble Apex Court has held that as per Section 25 B of the Act the workman shall be said to be in continuous service for one year when he is in the employment of employer for the continuous uninterrupted period of one year except the period of absence permissible under the Section. The Hon'ble Court goes on to observe that "the provisions postulate that if the workman has put in at least 240 days with his employer, immediately prior to the date of retrenchment, he shall be deemed to have served with the employer for a period of one year to get the benefit of Section 25.F".

12. In the light of the principle propounded by the Hon 'ble Apex Court supra, it has to be examined as to whether the workman has completed 240 days of actual service in a calendar year under the employment of the bank immediately preceding to the date of his termination or he was in the employment for the continuous uninterrupted period of one year prior to his termination.

13. To begin with, the workman has testified that he was engaged on 21-1-1999 as a 4th class, whose service was terminated w.e.f. 1-7-2003 and he had completed 240 days in each calendar year. He has relied upon the letter Ex. W-1 dated 22-10-2002, which is the sole document placed by the workman in support of his claim. It has been

addressed by the Branch Manager to the Assistant General Manager which says at Para 1 that Fateh Singh Rawat has been employed as a daily wager since the opening of the branch on 21-1-1999, but as per the record no sanction has been obtained by the office. At Para 3 it speaks that w.e.f. 1-10-2002 his services as daily wager have been terminated, but he is discharging the job of sweeper on part-time basis. It, therefore, flows that the claimant had worked as a full time employee on daily wages from 21-1-1999 to 30-9-2002 continuously and uninterruptedly and thereafter he was performing his duties as a part time sweeper. Thus, between the period 21-1-1999 to 30-9-2002 the workman was in continuous and uninterrupted service in each calendar year. The veracity of this document could not be questioned on behalf of the bank and it appears to be an authentic document pertaining to the bank.

14. Dwelling on the question of completion of 240 days of work in the calendar year preceding to his termination, it is noticeable that no documentary evidence could be tendered by the workman to substantiate this factum.

15. In his oral evidence, the workman has admitted that no appointment letter was given to him and that he has submitted the vouchers and attendance register before the court. But no such documents could be adduced on his behalf before the court. As such, his evidence on this point remains uncorroborated and he has failed to establish that he had completed 240 days of actual work in the calendar year preceding to his termination.

16. Contrary to the evidence of the workman, MW-1 LL Meena, Branch Manager, Dholpur has stated that the workman was employed for 89 days from 21-1-1999 for maintaining the ledger books and thereafter he was employed for the cleaning of premises for few days. In his cross-examination he has stated that he has gone through the record of this case which contains the vouchers also, but no such vouchers bearing the name of the workman could be placed on behalf of the bank in support of this plea. He has then stated that the workman had abandoned the job voluntarily 5 or 7 days prior to 1-7-2003, which leads to infer that he was working till the end of the month of June, 2003. In his affidavit at para 8 he has also pointed out that the workman was engaged w.e.f. 21-1-1999. Thus, his testimony sounds that the workman was working with the bank during the period in question.

17. MW-2 Rajesh Kumar has also stated that the workman had never continuously worked with the bank nor he completed 240 days of work in its employment. In his cross examination he has admitted that his statement of completing 89 days of work by the workman with the bank is based upon the affidavit of the Branch Manager, which points to his unawareness of the facts of the present controversy.

18. Thus, it is surfaced even from the management evidence that the workman was in continuous employment of the bank.

19. It has also been alleged on behalf of the bank that the workman had struck off the names of daily wager on the payment vouchers through which these daily wagers were paid and affixed his signatures to attain the benefit of continuous employment. All these management witnesses have narrated this fact in their testimony respectively and various payment vouchers have been brought on the record on behalf of the bank to establish this fact. On this point the management has examined MW-2 Rajesh Kumar and MW-3 Sarvesh Kumar Singh. MW-2 Rajesh Kumar has deposed that he was the Chief Cashier in the Dholpur branch from 13-1-2001 to August 2005 and that the workman had struck off the names of other labourers on the payment vouchers and had put his signatures on them. In the cross-examination he has stated that the vouchers are kept in the custody of the Branch Manager and even if he wants to take them he has to obtain the prior permission of the Branch Manager. It is his clear admission that erasures were not made by the workman in his presence and he has deposed the fact of striking off the names by the workman only after perusing the vouchers.

20. MW-3 Sarvesh Kumar Singh was the Branch Manager in the Dholpur branch at relevant time, who has also admitted that the workman had not erased the signatures of other labourers in his presence.

21. Though it has been asserted on behalf of the bank that the workman to attain the benefit of continuity of his service, struck off the names of other labourers on the payment vouchers and put his own signatures thereupon respectively, yet it could not be reasonably established on behalf of the bank that it was the workman who had comitted this mischief. The management witnesses have admitted that the erasures were not made in their presence and, secondly, they have admitted that the vouchers are kept under the custody of the Branch Manager and to get them the prior permission has to be obtained from him. There is no evidence on the record that the said vouchers were ever given to the workman or they were taken by him without seeking any permission from the Manager. Under these circumstances the fact of striking off the' names of the labourers becomes doubtful. Moreover, Ex. W-1, the letter, is having no erasures and the alleged act of striking off the names of the workman cannot be linked with it and on the strength of these documents it stands proved that the workman had completed continuous and uninterrupted service of one year in between 21-1-1999 to 30-9-2002 whose service was terminated by the bank without complying with the requirements under Section 25-F of the Act. Therefore, his termination amounts to retrenchment and the workman is entitled to get the protection under Section 25-F of the Act. This point is accordingly decided in favour of the workman and against the bank.

RELIEF

22. For the forgoing reasons, the workman is entitled to be reinstated in the service.

23. I have considered on the question or the back-wages. The workman in his cross examination has admitted that he is earing about Rs. 20 per day by selling the milk. Considering the relevant facts, I deem it proper to grant the back-wages at the rate of 25 per cent from the date of the receipt of the reference in this court i.e. 30.3.2005 till the date of the award.

24. Consequently, the reference is answered in the affirmative in favour of the workman and it is held that the workman has completed the continuous and uninterrupted service of one year during the period in question as a 4th class and terminating his service by the bank is unjustified. His claim is allowed. He is entitled to be reinstated in the service with 25 per cent back wages w.e.f. 30.3.2005. However, it would not preclude the non-applicant bank to terminate his service as per the law. An award is passed in these terms accordingly.

25. Let a copy of the award be sent to the Central Government for publication under' Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 10 जुलाई, 2006

का.आ. 3029.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट (संदर्भ संख्या 116/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/245/97-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 10th July, 2006

S.O. 3029.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 116/98) of the Cent. Govt. Industrial Tribunal-cum-Labour Court Kanpur (U.P.) as shown in the Annexure in the industrial dispute between the management of Central Bank of India and their workman, received by the Central Government on 4-7-2006.

[No. L-12012/245/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR

Industrial Dispute No. 116 of 98

In the matter of dispute between

Shri J N Mishra

General Secretary

Central bank Employees Association

Central bank of India

Meston Road, Kanpur.

And

Regional Manager

Central bank of India

Regional Office

Lanka Varanasi

AWARD

1. Central Govemment, Ministry of Labour, New Delhi, vide Notification no. L-12012/245/97/IR (B.II) dated 29-6-98, has referred the following dispute for adjudication to this Tribunal :

> Whether the action of the management of Central bank of India in awarding punishment of stoppage of one increment with cumulative effect on Sri N B Singh, clerk is legal and justified? I not, to what relief the said workman is entitled?

2. It is common ground that the workman while working as clerk was served with a chargesheet dated 11-10-94 by the opposite party bank on account of his certain misconduct. Sri P Keshwani, Dy. Chief Officer, was appointed enquiry officer by the disciplinary authority to inquire into the correctness of the allegaions levelled against the delinquent employee. A detailed domestic inquiry was held against the charged employee by the enquiry officer who after concluding the inquiry submitted his inquiry report dated 23-9-95 before the disciplinary authority together with enquiry proceedings. After receipt of inquiry report, the disciplinary authority issued to the charged employee a show cause notice dated 2-11-95 Disciplinary authority before imposing final punishment on the charged employee also gave him personal hearing whereafter the disciplinary authority imposed final punishment of awarding stoppage of one increment with cummulative effect vide order dated 12-1-96. Appeal preferred by the concerned employee against the punishment too could not find favour and the same was rejected at the hands of the appellate authority vide order dated 14-8-96.

2. the delinquent employee has challenged the above action of the opposite party bank on variety of grounds interalia, that delinquent employee was not afforded

propper opportunity to defend his case effectively by the inquiry officer, the inquiry officer conducted inquiry like a prosecutor, copies of relevant documents relied upon in support of the charges have not been provided to the workman, rules of natural jutife have been flouted by the inquiry officer during conduct of inquiry against him, documenatry evidence as well as oral evidence led before the inquiry have not been properly appreciated by the inquiry officer resulting that the inquiry report is vitiated, the inquiry report cannot form basis for awarding punishment on the delinquent employee and that the disciplinary authority too has not appreciate the material available on the inquiry file for awarding punishment to the chargesheeted employee, appellaete authority has not applied his mind to the repcord of the domestic inquiry while deciding the appeal of the delinquent employee and he in a mechanical manner had disposed of the appeal. On the basis of all pealdings the delinquent employee has sayed that the punishment awarded to the employee be quashed and he be deemed as if he had never been awarded any punishment by the opposite party bank.

3. The opposite party filed its reply interalia alleging therein that the delinquent employee was given full opportunity to defend his case by the inquiry officer, inquiry officer conducted the inquiry as per strict rules of disciplinary action as provided under the provisions of Bipartite Settlement, relevant copies of the documents relief upon in support of the charges were made available for inspection to the delinquent employee, rules of natural justice were adhered by the inquiry officer during the course of conduct of inquiry against the charged employee, inquiry officer after proper appraisal of materials and evidence available on inquiry file had given a very rational finding against the charged employee where by it had proved the charge against the employee on the basis of which as proper show cause notice was issued by the disciplinary authority and thereafter after affording an opportunity of personal hearing, disciplinary authority imposed upon the workman with the punishment of stoppage of one increment with commulative effect. On the basis of these pleadings it has been prayed that the claim of the workman be rejected as he has rightly been awarded with punishment on the basis of proved misconduct against him.

4. Workman filed rejoinder statement in which monthing new has been alleged except reiterating the facts already pleaded in statement of claim.

5. After exchange of pleading between the parties the contesting parties were called upon to lead their respective evidence in support of their case. Management opposite party has filed papers relating to disciplinary action taken against the delinquent employee and also examined its witness Sri A K Srivastava as M.W. 1 in support of its case. As the workman failed to put his appearance on 3-9-03, he was debarred from adducing his evidence in the case.

6. Therefore, from the above it is emply clear that the management has been able to prove their case againts the workman, whereas the workman has palpably failed to estblish his case that the action of the management in imposing punishment upon him is neither legal nor justified for want of evidence. Thus virtually it is a case of no evidence from the side of the workman and under these circumstances, the tribunal has no hesitation in holding that the action of the management of Central Bank of India, in imposing punishment of stoppage of one increment on the workman with cummulative effect is legal and justified. The result would that the workman will not be entitled for any relief.

Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 10 जुलाई, 2006

का.आ. 3030.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 85/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/25/2004-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 10th July, 2006

S.O. 3030.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 85/2004) of the Cent. Govt. Industrial. Tribunal-cum-Labour Court Hyderabad as shown in the Annexure in the industrial dispute between the management of Syndicate Bank and their workman, received by the Central Government on 5-7-2006.

[No. L-12012/25/2004-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

PRESENT: - Shri T. Ramchandra Reddy, Presiding Officer

Dated the 16th day of May, 2006

INDUSTRIAL DISPUTE No. 85/2004

Between

Sri. M. Ramanaiah,

S/o. M. Venkaiah,

R/o 23/250, Pendemuri Street,

Fathekhanpet,

Nellore ... Petitioner

AND

The Dy. General Manager,

Syndicate Bank,

Zonal office,

Pioneer House,

6-3-653, Somajiguda,

Hyderabad - 500 482. .. Respondent

APPEARANCES:

For the Petitioner : M/s. K. Ravinder Goud & Y. Ranjeeth Reddy, Advocates

For the Respondent : M/s. A. Krishnam Raju, G. Dinesh Kumar, G.V.N. Babu, N.P. Rao, A.B.S. Reddy & N.V. Kumar, Advocates

AWARD

This is a reference made by the Government of India, Ministry of Labour by its order No. L-120 12/25/2004- IR(B.I) dated 31/5/2004 in exercise of powers conferred by Clause 'D' of Sub Sec. 1 and Sub Sec. 2A of Sec. 10 of Industrial Disputes Act, 1947 for adjudicating the industrial dispute.

SCHEDULE

"Whether the action of the management of Syndicate Bank, Tada Branch to impose the pnnishment of compulsory retirement from service of Shri M. Ramanaiah, Ex. Clerk is justified? If not, what relief the workman is entitled to?"

This reference was registered as Industrial Dispute No.85/2004 and notices were issued to the parties.

2. The Petitioner N. Ramaiah has filed his claim petition alleging that he joined the services of the Respondent bank in the year 1982 as a sub-staff and promoted to clerical cadre during the year 1999 and working at Devapatla branch in Cuddapah District. He was working to the satisfaction of the superior officers and acquired higher qualifications upto M.Com with the permission of the Respondent bank. It is further submitted that he was chargesheeted dated 9-1-2001 alleging that he was absent without leave, irregular attendance and willful insubordination as follows:

Committing Minor misconduct of "absence without leave" vide Cl.19.7

(a) of the Bi-partite Settlement b. Committing Minor misconduct of "irregular attendance" vide Cl. 19.7

(b) of the Bi-partite Settlement

(c) Committing Gross/Major misconduct of "willful insubordination of reasonable Orders of superiors" vide Cl.19.5(e) of the Bipartite Settlement.

3. The Petitioner could not attend to enquiry on account of his ill-health and that the Enquiry Officer has submitted his report concluding that charges against him are proved. He submitted his explanation to the enquiry report. But the same was not considered. A show cause notice was issued by the Disciplinary Authority and awarded the punishment of compulsory retirement from the service and confirming the punishment of warning for the two minor misconducts. The Petitioner preferred an appeal against the Disciplinary Authority but of no avail. He further submitted that he was on leave for certain period owning to his illness that he informed the Respondent bank about his illness and non attendance by submitting medical certificates. The Respondent bank doubting his medical certificates referred him to the Cuddapah medical board for check up on 12-5-2000. The Petitioner was not provided financial assistance to travel to Cuddapah and for certain investigations. He attended the medical board where he was asked to get reports of investigations and advised him to come next day. The Petitioner on account of his high temperature and heat he fell sick and left his native village without attending the medical board. The medical board vide its letter dated 3-5-2000 addressed to the Regional Manager of the Respondent bank made it clear that the Petitioner has to pay Rs.100/- plus investigation charges at the time of the medical examination. But the Respondent bank has not provided financial assistance to the Petitioner. It is further submitted that the Petitioner sought permission of the Respondent bank to study LLB course in the evening and also applied sabbatical leave for two years. But the Respondent refused to grant permission and further Respondent bank has also refused to grant VRS.

4. The Respondent filed counter and denied the averments made in the petition and contended that while the Petitioner was working as a probationary clerk at Devapatla branch was issued with a charge sheet dated 6-9-2000 for committing minor misconducts of absence without leave and for irregular attendance and also for willful insubordination of reasonable orders of the superiors and further contended that he was absent for a total period of 215 days during the period between 1-8-97 to 27-7-2000 without prior sanction of leave/without any intimation. It is further submitted that on earlier occasions he was issued with a chargesheet cum show cause notices and awarded appropriate punishments for committing similar misconducts. The Petitioner did not improve his attendance. He used to submit leave applications on sick grounds enclosing medical certificates of different medical practitioners mentioning different ailments each time. As such Regional office Cuddapah referred him to appear before the Medical Superintendent, District Hospital, Cuddapah on 12-5-2000 for the purpose of medical examination. The Petitioner appeared before the medical examination on 12-5-2000 and he was referred for medical investigations. But, he failed to turn up and disobeyed to carry out the reasonable orders of the superiors. An enquiry was ordered by appointing an Enquiry Officer by issuing the said chargesheet. The Petitioner failed to attend

the enquiry proceedings inspite of giving advance notice. The Enquiry Officer after conducting the enquiry held that the charges against the Petitioner were proved and submitted his report and a copy of the report was also furnished to the Petitioner so as to make his submissions. Accordingly, the Petitioner has submitted his explanation. On considering the enquiry report and the explanation given by the Petitioner the Disciplinary Authority issued a notice dated 9-1-2001 proposing the punishment of warning for each of the minor conducts of absence without leave and irregular attendance and dismissal from service for gross misconduct of willful insubordination of the orders of the superior. The Disciplinary Authority considering all the aspects and personal hearing, issued punishment of compulsory retirement from service with immediate effect with all superannuation benefits. The punishment imposed is appropriate to the gravity of the charges.

5. Arguments heard from both sides under Sec. IIA.

6. The Learned Counsel for the Petitioner contended that the Petitioner while applying for leave on medical grounds has submitted his medical certificates to the Manager of the branch and that he could not attend the office regularly due to his illness and further contended that though the Petitioner was referred to the medical board for medical checkup by the Respondent bank, he was not paid the required charges of Rs.100/- and investigation charges and further submitted that inspite of not providing the finance the Petitioner appeared before the medical board on 12-5-2000 and he could not attend for investigation due to sun stroke and high fever and further contended that the Petitioner requested to transfer him to Anantapur, Tirupathi or Chittoor branch where he could prosecute LLB course in the evening college and further contended that the Petitioner was not granted two years sabbatical leave for prosecuting his studies. Further the request of the Petitioner for reversion to sub-staff cadre was also not considered by the Respondent bank and further submitted that the Petitioner sought retirement under VRS but he was not given the opportunity by the Respondent bank.

7. On the other hand the Learned Counsel for the Respondent contended that the Petitioner was in the habit of absenting himself from duty as such he was punished previously on several occasions and further contended that since the Petitioner has not improved and absentee himself for 215 days from 1-8-97 to 27-7-2000. He was referred to medical board. But the Petitioner has not carry out the reasonable orders of the superiors. As such he was issued with a chargesheet on three counts and an enquiry was ordered by appointing an Enquiry Officer and further contended that the Petitioner inspite of issue of service of notice in advance did not participate in the enquiry and the Enquiry Officer held that the charges against the Petitioner were proved.

8. It is not disputed that the Petitioner was previously punished for absenting from duty by issuing showcause notice. The Enquiry Officer has given notice in advance to the Petitioner for conducting enquiry and the Petitioner did not choose to participate in enquiry and further the Petitioner's counsel has conceded the validity of domestic enquiry. The Petitioner though pleaded that he could not attend regularly due to ill-health but he did not file any record before the Enquiry Officer about his ill health to substantiate his plea. Since the Petitioner was referred by the bank to the medical board the charges for investigation if any, are liable to be recovered from the bank. Though the Petitioner has attended the medical board on 12-5-2000 but he did not turn up for investigations. The conduct on the part of the Petitioner that he disobeyed the reasonable orders of the superiors to get him examined by the medical board to determine whether he was actually suffering from any illness. The Petitioner has pleaded before the Enquiry Officer that he could not attend the examination by the medical board as the bank has failed to pay the charges for investigations. On considering the explanation given by the Petitioner to the enquiry report and also given an opportunity for personal hearing the Disciplinary Authority has discharged the Petitioner from service with terminal benefits. It is difficult to understand that when the Petitioner was irregular in his attendance on account of his ill-health, how he could prosecute higher studies of LLB. The conduct on the part of the Petitioner that he wanted to take VRS, that he wanted to go on long leave for two years on the pretext of prosecuting LLB course shows that he is not interested in his job.

9. The enquiry conducted by the Respondent Management is valid and I do not see any infirmities in the enquiry report. The Petitioner was given sufficient opportunity and the Enquiry Officer has given reasons for his conclusions and conclusions based on materials on records. I do not see any sufficient ground to interfere with the conclusions of the Disciplinary Authority.

10. The punishment of compulsory retirement from service is commensurate with the gravity of the charges. I do not see any mitigating circumstances to take a lenient view. On considering the material on record I hold that the action of the Respondent Management of Syndicate Bank in imposing the punishment of compulsory retirement on Sri M. Ramanaiah, is proper and justified.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 16th day of May, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

APPENDIX OF EVIDENCE

Witnesses examined for the Petitioner:	Witnesses examined for the Respondent:
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 10 जुलाई, 2006

का.आ. 3031.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोलम के पंचाट संदर्भ संख्या 3/2000 (सी) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/307/1999-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th July, 2006

S.O. 3031.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. No. 3/2000(C) of the Central Government Industrial Tribunal/Labour Court, Kollam now as shown in the Annexure in the Industrial Dispute between the management of Canara Bank of India and their workmen, which was received by the Central Government on 10-7-2006.

[No. L-12012/307/1999-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, KOLLAM

Sri M. Rajendran Nair : Presiding Officer

Monday the 30th day of January 2006

INDUSTRIAL DISPUTE NO. 3/2000(C)

Between :

The Deputy General Manager,
Canara Bank, Circle Office,
Thiruvananthapuram-695039 ....Management

And :

Sri S. Sajilal,
Ananda Bhavan,
Meenathucherry,
Kavanad,
Kollam (Kerala) 691003 ....Workman

Representations :

1. S/Sri S.S. Kalkura, R.S. Kalkura & G.S. Kalkura, Advocates, Thiruvananthapuram. : For the Management

2. Sri. G. Haridas, Advocate, Kollam : For the Workman

AWARD

The reference under Section 19 (1)(d) of the Industrial Disputes Act, 1947 as per Order No. L-12012/307/99-IR(B-II) dated 25-5-2000 by the Government of India in respect of an Industrial Dispute between the Deputy General Manager, Canara Bank, Circle Office, Trivandrum-695039 and the workman Sri S. Sajilal, Ananda Bhavan, Meenathucherry, Kavanad, Kollam (Kerala) 691003 to this Labour Court for adjudication.

The issue referred for adjudication is as follows :

"Whether the action of the Management of Canara Bank in imposing the punishment of compulsory retirement of Sri S. Sajilal with effect from 29-5-1998 is justifiable? If not, to what relief the workman is entitled to?"

3. Pursuant to notices both sides appeared through counsel and filed statements putting forth their respective contentions, which are elaborated in my Preliminary Order dated 14-06-2005. As per the Preliminary Order the validity of the domestic enquiry conducted against the worker by the management was considered by this court and it was found that the enquiry report is valid. The worker, apart from challenging the validity of the domestic enquiry has also canvassed that the penalty imposed by the management on him is highly excessive and that it is against the Service Code of the Bank. The point that remains for consideration is : "Whether the penalty imposed–Punishment of compulsory retirement–is highly disproportionate to the charges"?

4. **The point :** The delinquent worker imvolved in the dispute has given evidence as WW1 and stated that the management by the order dated 29-5-1998 dismissed him from service against which he preferred as appeal to the General Manager, and that in the appeal the dismissal order was converted to one as compulsory retirement. According to him, the service code does not provide for compulsory retirement as a penalty for misconduct, and therefore the appellate authority has no such power to impose penalty of compulsory retirement. Further according to him, he was victimised by the management, as he was the Branch Secretary of the Canara Bank Employees Union. He has also stated that he has a good service record, and that he is physically handicapped with a large family consisting of his wife, mother and children solely depending on him and thus canvassed for modifying the penalty and for reinstatement in the service.

5. The management on the other hand contended that the delinquent worker was involved in cross misconduct, and that his conduct were prejudicial to the interest of the bank, and that it affected the reputation and integrity of the bank among customers and therefore the punishment imposed is only moderate, and that maximum

leniency has been shown by the management while converting the penalty to one of compulsory retirement. As regards the contention that the penalty of compulsory retirement is not contemplated by the service code it was pointed out that the amendment to Canara Bank Service code dated 23-6-1995, communicated as per Circular No. 192/95, provided in Clause 4(b) that an employee found guilty of gross misconduct may be "compulsory retirement/ removed from service/discharged with superannuation benefits as should given otherwise at that stage and without disqualification from future employment". The copy of the amendment circular was also produced by the management. So in the light of the amended provisions so incorporated in the service code the contention of the worker that the penalty imposed is illegal, as it is against the service code, has no legs to stand.

6. Now, while considering the question whether the penalty is highly disproportionate to the charges or that it requires interference by the Labour Court invoking the power under Section 11A, the delinquent worker was a clerk in Anandavalleeswaram Branch of the bank. The charges against the worker alleges that he failed to remit an amount of 20,800/- handed over to him by an account holder for remitting in his S.B. Account, misappropriation of Rs. 8,000 handed over to him by an account holder Dr. P. Madhanamohanan, failed to remit an amount of Rs. 7,500 handed over to him by the representative of the above account holder to be remitted in the S.B. Account and issued counter foil of paying slip acknowledging the payment, and that bogus entries were made in the pass book of the account holder to make them believe that the amounts were duly remitted, and further that he managed to get the cheque of the account holder Dr. Madhanamohanan and his wife A.P. Radhamma and to cover the misappropriation of money from their accounts made bogus debit entries in the pass book issued to the account holders and arranged cash of the cheques and retained those cheques unauthorisedly without passing the cheque and so on (the specific charges are enumerated in the Preliminary order and so I am not reiterating the same). In the enquiry the delinquent was found guilty of all the charges levelled against him. A consideration of the various charges proved shows that there are grave allegations against him including misappropriation of money, tampering fo accounts and conduct of dishonest dealing with the customers of the bank. The worker, as a bank employee held on office of trust. The manner of his functioning was bound to have an impact on the efficiency and reputation of the bank where he was employed. The management relied on 2002 (I) LLJ 156 (Union Bank of India *Vs.* Salian K.K. and others) where the Bombay High Court considered the nexus of misconduct of a bank employee with his employment in the service of Union Bank of India and it was held that such financial dealings by the employee prejudicially affected the reputation and interest of the Bank. Reference was also made to 1992 (II) LLJ 155 (Baby Vijayan *Vs.* Industrial Tribunal), where the Hon'ble High Court of Kerala in a similar case held that consideration of past records or the question whether the bank sustained monitary loss were not relevant. The counsel for the management has also referred to 1999 (II) LLJ 194 (Management of Catholic Syrian Bank Ltd. *Vs.* Industrial Tribunal, Madras). That was a case of clerk in a scheduled bank committing fraud on the bank customers, misappropriation of bank's funds and unauthorised absence from duty. There it was held that an employee should minatain minimum standard of integrity and to award reinstatement of workman who did not maintain such minimum standard of integrity would amount to rewarding fraudulent and dishonest conduct and would be mocking at integrity and honesty of majority of workmen.

7. The worker however placed reliance on 1999 (I) KLT Short Notes 7 Case No. 8 (Haileyburia Tea Estates Ltd. *Vs.* Estate Staff Union of South India) and contended that inspite of findings of guilty of charges the court can still consider the evidence while considering the penalty. Reliance was also placed on AIR 1984 S.C. 914 [Ved Prakash Gupta *Vs.* M/s. Delton Cable India (P) Ltd.] to canvass that the penalty of compulsory retirement was unjustified in the absence of previous adverse remarks against the worker. The decision of the Hon'ble Supreme Court reported in AIR 1984 SC 320, AIR 1987 SC 104 (Baldev Singh *Vs.* Presiding Officer, Labour Court) were also relied on to contend to canvass for modification of penalty imposed. Now, in the present case, as I have earlier pointed out the worker was holding an office of trust where his conduct and dealing with the customers had to be extremely honest; and any dishonesty seriously affected the business, reputation, credibility and public faith in the bausiness of the bank. So the consideration of past records in matters like this have no relevance, likewise, the question whether there was actual monitary loss to the bank is also out of context. The faith of the account holders on the bank is an important matter and an employee tarnishing the image of the bank in eyes of the public can no longer continue in the service, and it will not be in the best interest of the institution also. In the present case in the appeal the management has shown maximum leniency while asking him to go in compulsory retirement. So punishment was only commensurate with the gravity of the offence, and I find no reason to interfere with the same invoking the power under Section 11A.

In the result the reference is answered as follows :

The action of the management of Canara Bank in imposing the punishment of compulsory retirement of Sri. S. Sajilal with effect from 29-05-1998 is justifiable. The worker is not entitled to any relief against the management. The Preliminary order dated 14-6-2005 will be appended to this award.

Dated this the 30th day of January, 2006

M. RAJENDRAN NAIR, Presiding Officer

APPENDIX

Witness examined on the side of the worker

WW1. Sajilal

IN THE CENTRAL GOVERNMENT LABOUR COURT, KOLLAM

Present :

Sri M. Rajendran Nair, Presiding Officer

Tuesday, the 14th day of June, 2005

Industrial Dispute No. 3/2000(C)

Between :

Canara Bank,
The Deputy General Manager,
Canara Bank, Circle Office,
Thrivandrum -695039 ....Management

And

Sri S. Sajilal,
Ananda Bhavan,
Meenathucherry,
Kavanad,
Kollam (Kerala) 691003 ....Workman

Representations :

1. S/Sri S.S. Kalkura, R.S. Kalkura & G.S. Kalkura, Advocates, Vanchiyoor, Thiruvananthapuram. : For the Management

2. Sri G. Haridas, Advocate, Kollam : For the Workman

PRELIMINARY ORDER

The reference under Section 10 (1)(d) of the Industrial Disputes Act, 1947 as per Order No. L-12012/307/99-IR(B-II) dated 25-5-2000 by the Government of India in respect of an Industrial Dispute between the Deputy General Manager, Canara Bank, Circle Office, Trivandrum-695039 and the workman Sri S. Sajilal, Ananda Bhavan, Meenathucherry, Kavanad, Kollam (Kerala) 691003 to this Labour Court for adjudication.

The issue referred for adjudication is as follows :

"Whether the action of the management of Canara Bank in imposing the punishment of compulsory retirement of Sri S. Sajilal with effect from 29-5-1998 is justifiable? If not, to what relief the workman is entitled to?"

3. Pursuant to notices both sides appeared through counsel and the worker filed a claim statement, wherein he has contended as follows :

He was an employee of Canara Bank and was a clerk in the Regional Office at Ernakulam. While so working he was suspended from service on 14-10-1996 and the management issued a charge sheet dated 24-5-1997. The worker submitted his reply and thereafter a domestic enquiry was ordered. Sri M. Sivasankaran a Senior Manager was appointed as Enquiry Officer, and in the enquiry the worker was found guilty. Thereafter the management dismissed the worker by memo dated 28-5-1998. The worker preferred an appeal, the punishment of dismissal was modified as compulsory retirement. The enquiry proceedings are challenged by the worker on the ground that it was conducted without observing the principles of natural justice, that sufficient opportunity was not given to the delinquent, that the enquiry officer was prejudiced and biased, and that the enquiry finding are perverse. The management witnesses in the enquiry are bank employees and all of them have some interest in the management. So they have given false evidence out of pursuasion or fear. The management could not bring in any evidence to prove that the amount alleged to have been misappropriated by the worker were handed over to him. The management also failed to explain the discrepancy in handing over Ext. M16 cheque drawn and signed by MWs in the enquiry. The depositions of MWs 7 and 8 lack credibility and the involvement of the workman in the transaction has not been proved. The handwriting of the worker was not examined by an expert and the evidence of the witnesses in this regard are contradictory. The Enquiry Officer translated and dictated the depositions of witnesses who deposed in Malayalam and it was taken down by the Stenographer and was transcribed in English. This procedure was also irregular and is prejudicial to the worker. The Enquiry Officer did not accord sufficient opportunity to the worker to verify the records produced from the side of the management. The copy of documents were not served on him in spite of request made in this regard. The management also failed to disburse the subsistance allowance and the worker had approached the Labour Court for the same. The rejection of the evidence of the delinquent worker by the enquiry officer was improper and prejudiced the worker. Before accepting the enquiry findings the worker was not called upon to submit his comments on the enquiry findings. The punishment of dismissal was ordered without giving the worker an opportunity of hearing. The worker has not committed any of the misconduct alleged. He was an active worker of All India Bank Employees Association so the officers were not in good terms with the worker and as part of victimisation a false charge was cooked up against him. The punishment imposed is also shockingly

disproportionate. He was serving the bank for the last 17 years and there was no antecedents of any misconduct from his part. Thus the worker prayed for his reinstatement with his back wages and attendant benefits.

4. The management in an elaborate written statement denied all allegations of the worker against the conduct of the enquiry and further justified the action of the management in awarding punishment. It is further affirmed in the written statement that the worker was involved in misappropriation of funds entrusted by customers of the bank for depositing in their accounts, resorted to falsification of accounts with ulterior motive of concealing fraud and forgery committed by him and misappropriation of the customers money. A charge sheet was issued to the worker who replied it denying the charges. Thus the management appointed Sri. M. Sivasankaran, the then Senior Manager as enquiry officer and a domestic enquiry was conducted fully complying the principles of natural justice. The worker participated throughout the enquiry and at his request Sri A. P. Kunjama Special Assistant, Canara Bank was defending him in the enquiry. The worker was given copies of documents and witness list and sufficient opportunity was given to study the documents and prepare his defence. The 83 documents exhibited on behalf of the management were marked on mutual consent and further 22 witnesses were examined on behalf of the management. In the enquiry no documents were produced by the worker, and on his behalf one witness was examined. The Enquiry Officer evaluated the oral and documentary evidence, the entire facts and circumstances of the case, and the submissions made by the worker and he was found guilty of the charges against him. The copy of report was forwarded to the workman and the representative of the worker submitted his submissions on 31-3-1998. After considering all these matters the punishment of dismissal was proposed and a personal hearing on the proposed punishment was given to the worker on 26-5-1998. The submissions of the worker and his representative was duly recorded and considered. Considering the gravity of the misconduct and all relevant matters the punishment was imposed on the worker. In the appeal filed against the order of dismissal the appellate authority evaluated the entire proceedings and on humanitarian grounds the punishment was modified as compulsory retirement. The domestic enquiry proceedings were conducted in an impartial manner and there was compliance of the requirements of natural justice. The findings are based on evidence and the allegations to the contrary are baseless. The management witnesses only deposed the truth and there was no pressure or intimidation by the management. Out of 22 witnesses 3 are outsiders and 12 witnesses belonged to the cadre of the workman himself. There is no inconsistency in the deposition of witness. The defence could not shake the credit of the witness, nor bring out any ambiguity or contradiction in their cross-examination. The worker also failed to give any oral evidence to support his defence. The worker on the pretext of customer service to MWs 7 and 8 by accepting money from them and made bogus entries in their pass book to make them believe that the money received was duly accounted. These facts were clearly proved by the evidence of MWs 7 and 8 examined in the enquiry. The allegation on the failure of getting the handwriting verified by the expert is also baseless. A number of witnesses who were acquainted with the hand-writing of the delinquent worker had identified his handwriting in Ext. ME8 and the defence could not bring out any material to shake the credibility of such evidence. The findings of the Enquiry Officer is fully justified. As to recording of deposition of witnesses in English, it is stated that all except MW10 deposed in English and it was type written immediately. In the case of MW10 the deposition in Malayalam was translated then and there and both parties have confirmed the correctness of the recorded deposition. The witnesses have also subscribed their signature after signifying that the transcribed are true recorded that was stated by them. The worker as well as his representative have also signed the proceedings without objection. The copies of evidence recorded were furnished by the Enquiry Officer then and there, and no prejudice was caused to the worker. The list of documents and copies of all documents relied were given to the worker and he was given opportunity to inspect the original documents for confirming the correctness of the copies. The defence representative requested 15 days time to study the documents and this prayer was also allowed. In fact three months time was available to study the documents. At no stage of enquiry the worker had any allegation that the enquiry officer was biased. The disciplinary proceedings of the employees of the management bank are covered by the provisions of Canara Bank Service Rules which are terms and conditions of bi-partites settlement and in the case of employees belong to workmen cadre, the Deputy General Manager of the concerned Circle Office is the proper disciplinary authority. The worker has no right to request for reinstatement and he is not entitled to any further relief. Thus the management prays for an award in their favour.

5. The question of validity of domestic enquiry was considered as a Preliminary issue and the management got examined the Enquiry Officer as MW1. The file relating to the enquiry was marked as Ext. M1 series. Both sides were heard.

6. The points for consideration is whether the domestic enquiry conducted by the management against the worker is valid; or is it liable to be set aside on or all any of the amount alleged by the worker ?

7. **The Point :** It is admitted case that the worker S. Sajilal was a clerk in the Canara Bank, Anandavalleeswaram Branch when the charges alleged occured. While he was so working the management issued charge memo dated 24-5-1997 and he was proceeded against by conducting a domestic enquiry. Sri. M. Sivasankaran, a Senior Manager in the bank was appointed as enquiry officer and on the basis of the enquiry report the worker was later dismissed from service by memo dated 29-5-1998. In appeal by the delinquent worker the penalty was converted to one of compulsory reitrement. Ext.M1 is the file relating to the enquiry and the enquiry report is Ext. M1(a). In the enquiry the management examined 22 witnesses as MWs 1 to 22 and on behalf of the delinquent one witness was examined as DW1, the management also produced and got marked 83 Exhibits as ME 1 to ME 83.

8. The charges against the delinquent worker reads thus :

"You have been working as Clerk at Canara Bank, Regional Office, Ernakulam since 27-7-1996. Earlier you were working as Clerk at Canara Bank, Anandavalleeswaram, Quilon from 16-3-1981 to 17-7-1996.

Smt. A. P. Radhamma, wife of Dr. P.M. Madanamohanan, District Hospital, Quilon has been maintaining an S. B. Account bearing No. 23625 with Canara Bank Anandavalleeswaram, Quilon branch since 30-10-1985. Subsequently on 6-1-89 the said S. B. Account was converted as a joint S. B. Account by including the name of Dr. P. M. Madanamohanan with the condition "Operation by any one of us".

1. While you were working as clerk at Canara Bank Anandavalleeswaram, Quilon an amount of Rs. 6000, Rs. 1500, Rs. 5000, Rs. 2800 and Rs. 5500 were handed over to you by the said account holders Sri. G. Thulaseedharan, the representative of the account holders on 5-7-1994, 25-8-1994, 3-9-1994, 13-4-1995 and 29-7-1995 respectively for remitting the amounts to the above S. B. Account immediately on receiving the same and retained the money with you unauthorisedly.

You remitted the amounts on various days to the above S. B. Account without the knowledge of the above account holders with *malafide* intentions to conceal the misappropriation of funds received by you from them. The details are given below :—

Date		Amount Rs.
23-7-1994	...	6000
3-09-1994	...	1500
29-04-1995	...	5000
02-05-1995	...	2800
04-05-1996	...	5500

2. On 25-05-1996 Dr. P. M. Madanamohanan, one of the account holders handed over to you an amount of Rs. 30,000 for remitting it to the above S. B. Account. You remitted only Rs. 22,000 on 25-5-96 to the above S. B. Account and misappropriated the differential amount of Rs. 8000.

3. Again on 02-7-1996 Sri. G. Thulaseedharan, the representative of the above account holders handed over to you an amount of Rs. 7500 for remitting it to the above S. B. Account along with the S. B. Account paying-in-slip. You handed over the counterfoil of the paying-in-slip dated 02-07-1996 back to the said Sri. G. Thulaseedharan duly affixing the date stamp/seal of the branch without the knowledge of the concerned officials of Anandavaleeswaram, Quilon branch. You, however, failed to remit the amount to the above S. B. Account and misappropriated the amount.

In all the above cases you made bogus entries in the Pass Book issued to the above account holders pertaining to the above S. B. Account with an intention to make the account holders believe that all the amounts handed over to you on the aforesaid days have been remitted to the above S. B. Account immediately on receiving the same. You also managed to get possession of the cheques bearing Nos. 043247 dated 9-9-1995 for Rs. 2000 drawn by Dr. P. M. Madanamohanan, 043248 dated 16-9-1995 for Rs. 3000 drawn by Smt. A. P. Radhamma and 163073 for Rs. 8000 drawn by Smt. A. P. Radhamma on 9-9-1995,16-9-1995 and 30-5-1996 respectively on the above S. B. Account when the cheques were brought to Canara Bank Anandavalleeswaram, Quilon branch for encashment. You paid the amount of the cheques since there was no sufficient balance in the account due to the misappropriation done by you and made bogus debit entries in the pass book issued to the account holders to make them believe that the cheques were debited to the above S. B. Account on the aforesaid days itself. You however failed to pass the cheques to the section concerned for debiting it to the said S. B. Account and retained the cheques with you unauthorisedly with *malafide* intentions to conceal the misappropriation of funds done by you. Subsequently you managed to present the cheques bearing Nos. 043247 dated 9-9-95 for Rs. 2000 and 043248 dated 16-9-1995 for Rs. 3000 drawn by the said account holders on 30-11-95 and 29-11-1995 respectively without their knowledge since there came a credit of Rs. 5000 to the account on 4-11-1995 and managed to get the cheques encashed.

You managed to remit an amount of Rs. 8000 on 3-7-1996 to Canara Bank, Anandavalleeswaram Quilon branch by producing an S. B. Account paying-in-slip with S. B. Account No. as 26325 purportedly signed by Sri. G. Thulaseedharan, the representative of the said account holders. As some discrepancy was noticed with regard to

the account number furnished in the said S. B. paying-in-slip, the amount was kept in "Sundry Deposits" Account. You have also on 5-7-1996 managed to present the cheque bearing No. 163073 for Rs. 8000 drawn by Smt. A.P. Radhamma on 30-5-1996 on the above S. B. Account to Canara Bank. Anandavalleeswaram, Quilon branch across the counter presuming that the amount of Rs. 8000/- remitted by you on 3-7-1996 was credited to the above S. B. Account. But the said cheque was returned unpaid as there was no sufficient balance in the account to honour the same.

On 5-7-1996 you approached Smt. N. Vasanthakumari (23006) officer of Canara Bank, Anandavalleeswaram, Quilon branch and informed her that the said Sri. G. Thulaseedharan, the representative of the account holders had approached you on 3-7-1996 for remitting an amount of Rs. 8000 to the S. B. Account 23625 and that the account number was wrongly mentioned as 26325 instead of 23625 in the relative S. B. paying-in-slip. You requested her to transfer the amount of Rs. 8000 kept in the relative "Sundry Deposits" Account to S. B. Account 23625. Thereupon Smt. N. Vasanthakumari (23006) Officer insisted on obtaining a letter to that effect from the said Sri. G. Thulaseedharan. Accordingly on 6-7-1996 you produced a letter dated 6-7-1996 purported to be signed by the said Sri. G. Thulaseedharan before Smt. N. Vasanthakumari (23006) Officer and again made a request to her to transfer the amount of Rs. 8000 to S. B. Account 23625 of the said account holders.

Upon verification it was found that the said letter dated 6-7-1996 is not written by the said Sri. G. Thulaseedharan and that the signature appearing on the said letter purported to be that of Sri. G. Thulaseedharan is forged.

Subsequently when the misappropriation came to light you handed the cheque No. 163073 back to Dr. P. M. Madanamohanan on 6-7-1996. From the above it is evident that you misappropriated the amount handed over to you by the said customers/their representative on various dates, made unauthorised entries in the Pass Book and subsequently remitted a portion of the amount misappropriated by you. It is also evident that you have attempted to get the amount of Rs. 8000 kept in "Sundry Deposits" Account transferred to S. B. Account 23625 by producing a bogus letter of request.

By your above action in having misappropriated the amount handed over to you by the above S. B. Account holders/their representative and made bogus entries in the Pass Book, you have caused wilful damage to the properties of the Bank and its customers and thereby committed Gross Misconduct within the meaning of Chapter XI, Regulation 3, Clause (j) of Canara Bank Service Code.

By your above actioh in having produced a bogus letter dated 6-7-1996 and thereby attempted to get the amount of Rs. 8000 kept in "Sundry Deposits" Account transferred to S. B. Account 23625, you have behaved in a disorderly manner in the premises of the Bank and thereby committed Gross Misconduct within the meaning of Chapter XI, Regulation 3, Clause (k) of Canara Bank Servie Code.

All your above actions being prejudicial to the interests of the Bank, you have also committed Gross Misconduct within the meaning of Chapter XI, Regulation 3, Clause (m) of Canara Bank Service Code.

Charge—II

You have been working as Clerk at Canara Bank, Regional Office, Ernakulam since 27-7-1996. Earlier you were working as Clerk at Canara Bank Anandavalleeswaram, Quilon branch from 16-3-1981 to 17-07-1996.

Dr. P. M. Madanamohanan, Civil Surgeon, District Hospital, Quilon has been maintaining an S. B. Account bearing No. 19348 with Canara Bank. Anadavalleeswaram, Quilon Branch since 29-10-1983.

While you were working as clerk at Canara Bank Anandavalleeswaram, Quilon branch, Dr. P. M. Madanamohanan, the holder of the above S. B. Account handed over to you a sum of Rs. 7000 and Rs. 6000 on 3-1-96 and 24-1-96 respectively along with the relative S. B. Account paying-in-slips for remitting to his above S. B. Account. You however failed to remit to his above S. B. Account immediately on receiving the same and retained the money with you unauthorisedly. You made bogus entries in the pass book pertaining to the above S. B. Account to make the said account holder believe that the aforesaid amounts handed over to you were remitted to his S. B. Account immediately on receiving the same from him.

Subsequently you remitted an amount of Rs. 7000 and Rs. 6000 on 26-2-96 and 14-3-1996 respectively to the above S. B. Account of Dr. P.M. Madanamohanan without his knowledge and consent with *malafide* intentions to conceal the misappropriation of funds done by you.

From the above it is evident that you misappropriated the amount handed over to you by the said customer on the aforesaid days, made unauthorised entries in the pass book with *malafide* intention and subsequently remitted the amount misappropriated by you with considerable delay.

By your action in having misappropriated the money handed over to you by the said account holder and made bogus entries in the Pass Book, you have caused/ attempted to cause wilful damage to the properties of the Bank and its customer and thereby committed gross misconduct within the meaning of Chapter XI, Regulation 3 Clause (j) of Canara Bank Service code.

All your above actions being prejudicial to the interests of the Bank you have also committed Gross Misconduct with the meaning of Chapter XI, Regulation 3, Clause (m) of Canara Bank Service Code."

9. The enquiry officer on the basis of the evidence found the worker guilty and concludes stating :

"The CSE received the amount of Rs. 6000/- Rs. 1500, Rs. 5000, Rs. 2800 and Rs. 5500 from the account holders/representatives on 5-7-94, 25-8-94, 3-9-94, 13-4-95 and 29-7-95 respectively which was remitted by him on 3-7-94, 3-9-94, 29-4-95, 2-5-95 and 4-5-96 respectively and thus misappropriated the amount.

The CSE received on 25-5-96 from Dr. Madanamohanan, a sum of Rs. 30,000 of which remitted Rs. 22,000 on 25-5-96 and misappropriated the differential amount of Rs. 8000.

The CSE failed to remit the amount of Rs. 7500 received by him on 2-7-96 from the representative of the account holders, Sri. G. Thulasidharan and misappropriated the amount.

The CSE received and paid the cheque Nos. 043247 dated 9-9-1995 for Rs. 2000 and 043248 dated 16-9-95 for Rs. 3000 on the date of drawing itself and later encashed the same on 30-11-95 and 29-11-95 without the knowledge/ consent of account holders.

The CSE handed over the cheque No. 163073 dated 30-5-96 for Rs. 8000 drawn by Smt. A. P. Radhamma, on 6-7-96 to Dr. Madanamohanan.

The CSE managed to remit Rs. 8000 on 3-7-96 to SB 23625, with the A/C No. written as '26325' as a result of which the amount was kept in sundry Deposits. Consequently, the cheque No. 163073 dated 30-5-96 for Rs. 8,000 presented across the counter was returned unpaid.

The CSE produced as bogus letter on 6-7-96, purported to be signed by Sri. G. Thulasidharan and attempted to transfer the amount Rs. 8000 from the Sundry Deposits to SC 23625.

The CSE misappropriated the amounts handed over to him by the customers/their representative and made bogus entries in the pass-book. By his actions he has caused wilful damage to the properties of the Bank and its customers and thereby committed gross misconduct within the meaning of Chapter XI, Regulation (3) Clause (j) of Canara Bank Service Code.

By this action in having produced a bogus letter dated 6-7-96 and attempted to get Rs. 8000/- transferred from Sundry Deposits to SB 23625, the SCE has behaved in a disorderly manner in the premises of the Bank and thereby committed gross misconduct within the meaning of Chapter XI, Regulation (3), Clause (k) of Canara Bank Service Code.

All his above actions, being prejudicial to the interest of the Bank, the CSE has committed gross misconduct within the meaning of Chapter XI, Regulation (3) Clause (m) of Canara Bank Service Code".

10. The enquiry officer was examined as MW1 and he stated that the workman participated in the enquiry throughout and the proceedings of each day and the copies of evidence recorded were given to the worker then and there, and that the enquiry was conducted in compliance of all principles of natural justice. In the cross examination the challenge mainly raised was First on the failure to give notice of production of supplementary documents produced as item No. 84 and it was further suggested that copies of none of the documents produced were given to the worker ; which suggestion was denied by the enquiry officer. The next challenge was against the recording of the deposition of witnesses in English. It was stated by the enquiry officer that all witnesses except one deposed in English and the statement of the witness who deposed in Malayalam was translated by him, which was taken down by the Stenographer and transcribed by her. It further affirmed that the defence representative as well as the workman verified and confirmed the correctness of the deposition so recorded. The 3rd suggestion was that the findings are not based on evidence. It was further suggested that the enquiry officer was biased and was prejudiced against the workman. The 5th challenge was that the documents disputed were not sent for expert opinion and the worker was not given sufficient opportunity to defend his case.

11. The learned counsel appearing for the workman contended before me that the procedure adopted by the enquiry officer in recording the deposition of witnesses through a stenographer, to whom it was translated in English is irregular. It was pointed out by the management that all witnesses except one (MW10) had deposed in English and that the worker as well as his representative were also well versed in English language and they had given consent to the recording of evidence of the witnesses in English, and that they have signed the deposition without any protest. Now, it is to be noted that the worker involved is a bank employee, and even according to him he has passed M. Com and CAIB and he was also assisted by another bank employee in the enquiry procedings. The domestic enquiry related to the irregularities committed by the workers in the course of his employment and many of the witnesses examined are officials of the bank. Necessarily, in the nature of the

charge, technical matters relating to banking transaction are involved, and in such a case the enquiry officer cannot be blamed for recording the deposition of witnesses in English. Further no prejudice in this regard could also be pointed out by the worker which effects his defence. Had he any objection in the matter of translating statement, or found later when it was transcribed by the Stenographer he could have pointed out it, or objected at that stage. In the appeal also no specific contention is seen taken to the effect that the evidence recorded in the enquiry was distorted while translating and transcribing. So this contention of the worker is without merit.

12. The next contention raised by the counsel is regarding the documents produced. In the list of documents produced. it is seen than an additional document is produced into evidence by the management as item No. 84. According to the worker, only notice of production of 83 documents was given to him and the reception of additional documents is behind his back. The enquiry report narrates in pages 6, 7 and 8 the documents relied on by the management in the enquiry. There only 83 documents are seen relied. As regards these 83 documents it is stated by the enquiry officer in his proceedings page 2 that the presenting officer handed over the original of the provisional list of document, provisional list of witness and the original of the documents in the enquiry and that the delinquent worker and his representative confirmed having received copies of the provisional list of documents and provisional list of witnessess. In page 3 it is further stated that the worker and his representative inspected the original documents and confirmed the correctness of the copies of the document handed over to them by the presenting officers. This proceeding is signed by the worker as well as his representative. Regarding the marking of documents it is stated that the documents were marked on mutual consent. So having consented to the marking of documents without objection and in view of the proceedings recorded by the enquiry officer regarding the service list of documents as well as copies of documents, and after availing opportunity to verify the correctness of the same with the original he cannot be now heard to contend against the same. The next contention raised was that the worker was not given sufficient time to study the documents before proceedings with the enquiry. The fallacy of this contention can be seen from the minutes of the proceedings in the enquiry. The documents were marked on mutual consent on 26-8-1997. It is recorded therein that the delinquent requested for 15 days time to study the documents and prepare his defence. The enquiry officer allowed the prayer and the enquiry was adjourned. Next sitting was only on 9-12-1997 nearly after 3-1/2 months. So the contention that the worker did not get sufficient time to study the documents is also baseless.

13. The 3rd contention raised was that the management has not produced the Canara Bank Service Code, though in the charge the misconduct alleged specifically refers to certain clauses in chapter '9' of Canara Bank Service Code. True, that the management has not produced the same even at this stage. But this aspect also does not loom large, because it is a document available to the worker also and futher the delinquent has no case that the charge alleged are not misconduct coming with the meaning of Chapter I I of Canara Bank Service Code.

14. It was then contended that the findings are not based on evidence. Now, before going to the merits of this contention it will be usefull to refer to the scope of Judicial review in the matter of domestic enquiry conducted by the management. The Hon'ble Supreme Court way back in 1963 in the case of State of Andra Pradesh Vs S. Sreeramarao (AIR 1963 SC 1723) held that the High Courts were not constituted to act as appellate authorities over the decision of the disciplinary authorities in the departmental enquiries against the public servants. If the enquiry was held properly, the disciplinary authority was the sole judge of facts. A full Bench of the Rajasthan High Court in a decision reported in 1999 (3) LLJ (Supplement) 810 also followed the above view. The Hon'ble Supreme Court in 1996 (I) LLJ 123 has also laid down that the courts have limited power to interfere with the conclusions arrived at by the disciplinary authority. The Hon'ble High Court of Madhya Pradesh in a recent decision reported in 2003(I) LLJ 156 in an identical case considered the scope of judicial review. In the light of the earlier decisions of the Hon'ble Supreme Court and it is stated in para 14 :

> "It is a well settled principle that in departmental enquiry cases when administrative action is challenged, the scope of judicial review is very limited. The scope of judicial review in cases of departmental enquiry was considered by the Supreme Court in the case of Union of India and another Vs. B.C. Chatravedi, AIR 1996 SC 484 : 1995 (6) SCC 749 1996-I-LLJ-1231. The Supreme Court in the aforesaid case had observed that the Disciplinary authority and the appellate authority being the fact finding authorities have power to consider the evidence with a view to maintain discipline. The power for imposing appropriate punishment and examination of evidence is vested in such authorities, the courts while exercising powers of judicial review cannot substitute their own conclusion by re-apppreciating the evidence and substitute its own finding. It is only required to be seen if enough material is available to come to a reasonable conclusion. Similar views were expressed by the Supreme Court in the case of Indian Oil

Corporation Ltd. and Another V. Ashok Kumar Arora, AIR 1997 SC 1030 : 1997 (3) SCC. 72. In this case also, it was held that in case of departmental enquiry while considering the same and the finding recorded therein, the High Court does not exercise the powers of Appellate Authority. The jurisdiction of the High Court in such cases is very limited and it is only to see whether the enquiry is vitiated because of non observation of principles of natural justice, denial of reasonable opportunity, finding based on no evidence or punishment totally disproportionate".

That was a case where the Assistant Manager of United Commercial Bank challenged the order passed by the disciplinary authority missing punishment of removal from service on the ground that (1) the documents requested by the petitioner were not submitted (2) that the evidence of account holders were examined as defence witnesses were not considered by the authorities (3) the findings of the enquiry officer is perverse (4) that opportunity of examination of the petitioner as per employees regular were not followed and that the statement of witnesses recorded copy of report of preliminary enquiry and copy of the complaint were not supplied to him. The Hon'ble High Court rejected the above contention and the O.P. was dismissed. Now, coming to the evidence in the present case, as I have earlier notices, the management has examined almost all material witness in support of various allegations in the charges and the entire documents are also produced. The worker has no case that any of the material document was with-held, or that any material witness was omitted to be examined. It is to be noted that the delinquent worker did not give oral evidence in the enquiry to refute the allegations against him. In the claim statement filed the allegations is that the enquiry officer failed to rely on the evidence of DW1, the only witness examined on behalf of the delinquent worker. The role of the witnesses DW1 in the different charges alleged against the worker is very little. According to the evidence of DW1, he had presented Ext. M26 cheque to the bank for collection and that he has signed on the reverse of the cheque. This ME 26 cheque is drawn by A.P. Rajamma examined as MW 8 in the case. She has categorically deposed that she does not even know this person and has no transaction with him. That is not challenged also. According to the evidence of DW1 the cheque was handed over to him by his friend Ansor and when it was presented by him to the bank he was told that there is no cash and instantly he returned the cheque to the party from whom he received it. In the cross examination this witness also states that he is not remembering the liability said to have been given to Ansor and he has no idea as to whom the cheque was handed over when it was returned. Admittedly the cheque does not bear the signature of Ansor as a holder of the cheque. This Ansor was not examined also. The case of the management is that this cheque was misused by the delinquent worker when it was presented for collection by MW8 through her domestic servant. Now the evidence of DW1 himself would show that he was brought in by the worker and a cooked up version was brought in through him regarding the loan transactions from Ansor. So the enquiry officer was right in discarding his version. As rightly contended by the management nothing prevented by the worker to depose in the enquiry to explain the material allegations against him. Though it is contended vaguely that the findings are not based on evidence, nothing specifically could be urged to show that the enquiry officer had not considered the evidence in the proper perspective. In the claim statement there is an allegation for not sending the alleged handwritings of the deliquent worker for comparison by an expert. It is to be noted that the witnesses examined as MWs 1 to 6 and 11 to 22 are bank employees. The handwriting of the delinquent worker in the disputed documents were identified by his co-workers in the bank, and nothing was brought out in their cross examination to discard such identification. In such a situation the necessity bring in an expert opinion in this regard was only superfluous. So this contention is also devoid of merits.

The four witnesses MWs 7 to 10 are the most material witnesses, and out of them MW7 is a Doctor, and his wife is MW8 who is also a Professor of a college. According to the management the worker got introduced himself as a student of MW8 and intercepted with the banking transactions of MWs 7 and 8 whenever they came to the bank or sent cheque and money for remittance in their account through MW10, and in such transactions he caused the manipulations alleged. The enquiry officer has duly considered the evidence and there is nothing to assume that his findings are perverse. Therefore the prayer of the worker to set aside the enquiry report is without merit.

In the result the enquiry report is found valid, the Industrial Dispute is posted for consideration of other issues. This Preliminary findings will form part of the final award.

Pronounced before the open court on this the 14th day of June, 2005.

M. RAJENDRAN NAIR, Presiding Officer.

APPENDIX

Witness examined on the side of the management

MW1. M. Sivasankaran

Exhibits marked on the side of the management

Ext.M1. Enquiry file.
(Series)

नई दिल्ली, 10 जुलाई, 2006

का.आ. 3032.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 45/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/300/1999-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th July, 2006

S.O. 3032.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cental Bank of India and their workman, which was received by the Central Government on 10-7-2006.

[No. L-12012/300/1999-IR(B-II)]

C. GANGADHAAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

Shri Kant Shukla Presiding Officer

I.D. No. 45/2000

Ref. No. L-12012/300/99/IR(B--II) Dt. 5-6-2000

Between

The Asstt. General Secretary,

Central Bank Staff Association,

13/11, Shiv Nagar Colony,

Allahapur, Allahabad (U.P.)

And

Central Bank of India,

The Regional Manager,

C.B.I., Regional Office,

Lanka

Varanasi (U.P.)

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute vide No. L-12012/300/99/IR (B-II) Dated 5-6-2000 to the Presiding Officer, CGIT-cum-Labour Court, Lucknow for adjudication :

> "Whether the action of the Management of Central Bank of India in terminating the services of Sri Promod Kumar w.e.f. 12-12-87 is Justified ? If not, what relief the workman is entitled for?"

The trade union's case in brief is that the worker Promod Kumar (hereinafter referred to as workman) was serving as temporary peon in the Bunker Market Branch in Varanasi and was paid salary on daily basis and workman had worked for more than 240 days during the calander year proceeding the date of termination and as the bank Central Bank of India did not advise reason for termination, paid him notice pay and retrenchment compensation, the bank committed breach of section 25F of the I.D. Act. It is alleged that worker was terminated w.e.f. 12-12-97. Although he continued to work as temporary Peon from 22-3-91 until termination. Trade union has therefore prayed to hold the action of the management of Central Bank of India in terminating the services of Promod Kumar w.e.f. 12-12-97 is not justified, and the worker may be reinstated with full back wages and permanent absorption in the services of the bank as Peon.

The opposite party has disputed the claim although this is admitted that Promod Kumar was engaged on daily rate basis by Bunker Market branch of Central Bank of India, Varanasi and he was paid on the basis of work done in a day. Denying the claim of the trade union the management of bank has submitted the following :

1. The worker did not hold any regular or permanent post in the bank.
2. Worker was not appointed by the bank on the post of peon (sub staff) in regular and permanent basis.
3. The bank had not issued any appointment letter nor termination letter.
4. Worker has not worked for 240 working days in any calander year of preceeding 12 months.
5. Worker was engaged on day to day basis.
6. Worker has been made payment for actual days he worked in the bank.
7. Worker discontinued casual job of his own for better engagement etc.
8. The recruitment in the bank in the said guidelines of the Government the candidates are sponsored by Employment Exchange test/interview held and only successful candidates absorbed thereafter. No deviation is permitted from these rules. The worker was not subjected to such exercise.

9. Worker is trying merely to gain back door entry by way of litigation claim is not cover under section 25 B., F, G & H of the I.D. Act.

10. Claim is belated.

11. CGIT-cum-Labour Court has no jurisdiction.

The worker has filed following photo copies of documents :

1. Central Office circular of Central Bnk of India dated March 12, 1991.
2. Letter of General Manager (Personal) dt. [illegible] regarding payment to temporary daily wages.
3. Letter dt. 28-11-94 regarding the working of Pramod Kumar w.e.f. 22-3-91 to 21-3-92.
4. Employment Exchange Registration [illegible]
5. Application of Pramod Kumar without [illegible]
6. Unauthanticated and unsigned details of work from 22-3-91 to 5-3-92.
7. Reply of Central Bank of India to ALC(C) Allahabad.
8. Unsigned details of work, from 29-7-94 to 11-12-97.

Opposite party has filed photo copies of payment vouchers from 10-12-96 to 11-12-97 showing 263 working days during the period 10-12-96 to 11-12-97 alongwith all vouchers.

The worker has filed the affidavit and he has been cross-exmained himself by the opposite party.

Opposite party has filed the affidavit of Sri A.K. Srivastava, Branch Manager of Bunker Market branch of Central Bank of India. He has been cross-examined by the representative of the trade union.

Heard the representative of the trade union. Representative of the opposite party did not turned up on 28-6-03 although representative of opposite was laso heard on 25-4-03.

Carefully gone through the file and perused evidence on record.

Worker admitted cross-exmained as admitted that he was daily wages labour. He has also admitted that his name was not sponsored by the Employment Exchange and no test and interview was held. Worker has refused that he left the job of his own.

The witness of the opposite party has stated in cross-exmainaiton that worker was engaged as casual labour the work included filling of water, make available drinking water, cleaning of table in the bank besides mixc. work was taken from him and the work carried for whole day.

From the above facts and evidence it is clearly established that worker was not peon (sub staff) as alleged in the statement of claim instead he was a daily rated labour. From the documents of the management itself it is proved that the worker worked for 263 days during 10-12-96 to 11-12-97. It is also proved that during the above the worker was being paid Rs. 30/- per day.

It is also proved that the worker was engaged during 22-3-91 to 21-3-92. It is not proved that after 21-3-92 to 9-12-96 the worker was in employment of the bank as casual labour.

The trade union has tried to argued that the worker has not been paid the regular salary of class IV employee to him. It is noteworthy that there is no appointment letter and no termination letter. It is also not proved that he was temporary peon. A casual labour can not claim parity with the regular sub staff of the bank.

Following photo copies of the case laws have been filed by the bank;

1. The Manager State Bank of India Kanpur and Presiding Officer, Industrial Tribunal (Central) Kanpur and others (1990 vol. 60 F.L.R. page 672) (Allahabad High Court).
2. Himanshu Kumar Vidarthi and others & State of Bihar and others (1997 vol. 76 F.L.R. page 622 (Supreme Court).
3. Range Forest Officer and S.T. Hadimani (2002 vol. 94 F.L.R. page 622) (Supreme Court).
4. Rajesh Kumar Awasthi and DFO, Special Forestree Divn., Fatehpur and others (1992 vol. 66 F.L.R. page 613 Allahabad High Court).
5. State of UP and another and Kaushal Kishore Shukla (1991 vol. 62 F.L.R. page 350) Supreme Court.
6. Triveni Shankar Saxena and State of U.P. and others (1991 vol. 62 F.L.R. page 350) (Supreme Court).
7. State of UP and Labour Court Haldwani & others (1999 vol. 81 F.L.R. page 319) (Allahabad High Court).
8. Delhi Development Horticulture Employees Union *Vs.* Delhi Administration Delhi and others (1992 vol. 64 F.L.R Page 1110) Supreme Court of India.
9. R. C. Shukla and State of U.P. and others (2001 vol. 90 F.L.R. page 165) Allahabad High Court.
10. Malkiat Singh and Labour Commissioner and others (1997 *vol.* 175 F.L.R. page 397) Punjab & Haryana High Court.
11. Chaturth Shreni Karmchari Sangh Sichai Vibhag and State of U.P. and others (1998 vol. 80 FLR page 802) Allahabad High Court.
12. Mohd. Islam and Presiding Officer Labour and another (2000 vol. 87 F.L.R. page 763) Allahabad High Court.
13. Rajesh Sharma and Presiding Officer, Labour Court and another (2000 vol. 87 F.L.R. 767) Punjab & Haryana High Court.

14. Prem Pal Sharma and District Judge Baduan (1993 Vol. 66 F.L.R. page 748) Allahabad High Court.
15. Khulwant Singh and State of U.P. and others (2002 vol. 92 F.L.R. 1175) Allahabad High Court.
16. Chandra Prakash Gupta and the Additional District Magistrate (Project) Hamirpur and anothers (2000 vol. 90 F.L.R. page 478) Allahabad High Court.
17. Brajesh Kumar Singh and others and State of Bihar and others (2001 vol. 90 F.L.R page 618) High Court of Jharkhand.
18. Rajapalyam Municipality and Presiding Officer Additional Labour Court Madurai and others (2001 vol. 90 F.L.R. page 298).
19. Pramod Kumar and State of Bihar and others (2001 vol. 91 F.L.R. page 824) Patna High Court.

None of the case laws are relevant in the present case. It is proved that worker Pramod Kumar engaged as casual labour continuously for 263 days. The worker, has claimed permanent absorption in the bank but he is not entitled as it will amount getting back door entry in the regular services of the bank. There is no scheme of absorption which entitles the worker to be absorbed in the bank's service. The only protection available to the worker is to get notice, notice pay and compensation before his retrenchment and if he is retrenched from the service without give him notice, notice pay compensation the retrenchment will amount to be illegal. Section 25F of the I.D. Act. is as follows :

25F. Conditions precedent to retrenchment of workman :—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;

(b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days average pay (for every completed year of continuous service) or any thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government (for such authority as may be specified by the appropriate Government by notification in the Official Gazette).

Section 25B of the I.D. Act, is also relevant in the present case which is reproduced below:

25B. Definition of continuous service : For the purposes of this chapter—

(1) a workman shall be said to be in continuous service for a period if he is for the period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundered and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case.

(b) for a period of six months, if the workman during a a period of six calendar months proceeding the date with reference to which calculation is to be made has actually worked under the employer for not less than—

(i) ninety five days, in the case of workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case.

Explanation : For the purposes of clause (2) the number of days on which a workman has actually worked under an employer shall include the days on which—

(i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) or under the Act or under any other law applicable to the industrial establishment.

(ii) he has been on leave with full wages, earned in the previous years;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave, so however, that the total period of such maternity leave does not exceed twelve weeks.

The said provisions are applicable not only to the regular employees but also the daily wagers/casual labours who are paid on daily wages basis. The latest case law which has been referred by the trade union representative is 2005 (105) FLR 383 (Supreme Court) between N.S. Hedge, B.P. Singh and S.B. Sinhaji, civil appeal no. 4396 of 2006 Bank of Baroda and Ghemarbhai Harjibhai Rabari.

The said case law is very much relevant in the present case. It is not proved that the worker left the job of his own for gainful employment. It is also not proved that this court has no jurisdiction.

The worker is therefore entitled to only reinstatement not absorption or regularisation nor equal pay with that of regular sub staff of the Central Bank of India. It is irrelevant whether the worker was sponsored by the Employment Exchange or not as he was only a casual daily wager labour.

So far as the back wages are concerned the representative of the trade union has argued that the worker was not employed after termination and he has said so in his cross examination. The representative of the trade union has referred 2006 Supreme Court Cases (L &S) 250 U.P. Brasware Corpn. Ltd. and another vs. U.N. Pandey and has argued that where the establishment was closed the Hon'ble Supreme Court awarded back wages to the tune of 25% of the total wages payable during the period 1-4-87 to 26-3-93.

The representative of the trade union has further referred case law 2006 Supreme Court cases (L& S) 857 UPSTRC Ltd. Vs. S.P. Misra and another wherein 50% back wages from the date of award till the date of reinstatement was allowed.

The representative of the trade union has honestly agreed that there is no hard and fast rule made for back wages. It is for the court to exercise his discretion and since I.D. Act is social legislation and Tribunal has to impart justice mercifully.

Worker has been earning meagure wages of Rs. 30/- per day he could have earned this meagure amount by employing himself any where as labour. From the record it reveal that he was 31 years of age in August 2001 therefore he could have easily earned that meagure sum. However, looking to the factor that he is a poor man it will meat the end of justice if he is allowed 25% of wages for 240 days in a calander year calculated from the date of termination i.e. 12-12-97.

The termination of Sri Pramod Kumar w.e.f. 12-12-97 is not justified and illegal. Issue accordingly answered in favour of the workman. The worker is entitled to reinstatement and back wages to the tune of 25% as stated above till the date of reinstatement.

SHRIKANT SHUKLA, Presiding Officer

LUCKNOW

3-7-2006

नई दिल्ली, 10 जुलाई, 2006

का.आ. 3033.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब एंड सिन्ध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 69/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/230/1998-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th July, 2006

S.O. 3033.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 69/99) of the Cent. Govt. Indus. Tribunal/Labour Court, Kanpur (U.P.) as shown in the Annexure in the Industrial Dispute between the management of Punjab & Sind Bank and their workmen, received by the Central Government on 10-7-2006.

[No. L-12012/230/1998-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, 117/9 SARVODAYA NAGAR, HOTEL KISHOTI BUILDING, KANPUR

Industrial Dispute No. 69 of 99

In the matter of dispute between :

Sri P. K. Srivastava

Sh. Kamlesh Chaturvedi Asstt. Secy. NCBE 128/M/75, Kidwai Nagar, Kanpur.

And

Punjab & Sindh Bank

Branch Manager P & S B

Extension Counter

Sunder Nagar, Kanpur.

AWARD

1. Central Government, Ministry of Labour, New, Delhi, vide notification No. L-12012/220/98/IR (B-II) dated 30-3-99 has referred the following dispute for adjudication to this Tribunal :

> "Whether the action of Branch Manager Punjab & Sindh Bank Extension Counter GNGD College Sunder Nagar, Kanpur not give special allowance (Hundi) and 11 days wages to Sri P. K. Srivastava Sub Staff of the branch is justified ? If not to what relief the workman is entitled ?"

2. In the instant case after exchange of pleadings between the parties and after evidence when the case was taken up for dictating award it was noticed by the tribunal that the date for granting Hundi Allowance and period of 11 days wages which is alleged to have been withheld by

the bank has not been mentioned in the schedule of reference order.

3. It may be pointed out that if on the basis of evidence of the parties tribunal is of the opinion that the action of the management is neither legal nor justified then a normal quesiton arises before the tribunal as to from what date the concerned workman be held entitled for the relief claimed by him when there is no mention of date from which the workman could be held entitled for the Special Allowance (Hundi) and or when there is no mention of the period of 11 days with regard to which it is alleged that the Bank opposite party had withheld the wages of the workman.

4. Therefore, from the above discussions, it is quite obvious that the schedule of reference order is vague and the workman cannot be held entitled for any relief on the basis of vague schedule of reference order.

5. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer.

नई दिल्ली, 10 जुलाई, 2006

का.आ. 3034.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट (संदर्भ संख्या 3/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-07-2006 को प्राप्त हुआ था।

[सं. एल-22012/80/2002-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 10th July, 2006

S.O. 3034.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2003) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure in the Industrial Dispute between the management of M/s. Eastern Coalfields Limited and their workmen, received by the Central Government on 07-07-2006.

[No. L-22012/80/2002-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT ASANSOL

PRESENT:

SHRI MD. SARFARAZ KHAN

PRESIDING OFFICER

Ref. No. 03 of 2003

PARTIES: The Agent, Ratibati (R) Colliery of M/s. ECL, Kalipahari, Burdwan.

Vs.

General Secretary, Koyala Mazdoor Congress, Asansol

REPRESENTATIVES:

For the management : None.

For the Union (Workman) : Sri R. Kumar, General Secretary Kolyala Mazdoor Congress, Asansol.

INDUSTRY : COAL STATE : WEST BENGAL

DATED : 19–05-2006

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 A of Section 10 of the Industrial Dispsutes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour *Vide* its letter No. L-22012/80/2002-IR (C-II) dated 13-02-2003 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the demand of the KMC from the management of ECL, Ratibati Colliery for payment of wages for the idle period from 11-2-2000 to 15-4-2000 is just and fair ? If so, to what relief is the workmen entitled ?

Having received the Order No. L-22012/80/2002-IR (C-II) dated 13-02-2003 of the reference concerned from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 03 of 2003 was registered on 11-03-2003 and accordingly an order was passed to issue notices to the parties concerned through the registered post directing them to appear and file their written statements along with the documents and list of witness in support of claims. Pursuant to the said order notices were issued to the respective parties through the registeredd post.

From perusal of the record it transpires that Shri Rakesh Kumar, General Secretary of the union representing the workmen concerned appeared after having made his endorsement dated 16-6-04 on the office copy of the notices issued. It is further clear from the record that the notices were received by the Agent, Ratibati Colliery, M/s. Eastern Coalfields Limited, PO: Kalipathari, Distt : Burdwan on 10-06-2004 but nobody did turn up to represent the management in the court in spite of repeated adjournments. On the other hand the union also left taking any step on its behalf since 3-11-2005 till today. The reference was registered on 11-03-2003 and since then several adjournments were given but unfortunately no wirtten statement was filed even on behalf of the union. These all

facts and circumstances go to show that the union has lost its interests in this case. In such circumstance it is not advisable to keep the record pending any more specially in such case in which the party is not interested. Accordingly it is hereby

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt of India, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer.

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3035.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम कानपुर के पंचाट (संदर्भ संख्या 105/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/662/1998-आई आर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3035.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 105/99) of the Central Govt. Indus. Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management State Bank of India and their workmen, which was received by the Central Government on 10-7-2006.

[No. L-12012/662/1998-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR.

INDUSTRIAL DISPUTE NO.105 OF 99

IN THE MATTER OF DISPUTE BETWEEN:.

Sri Chaitu Lal Ch akervarty
C/O Sri O. P. Mathur. 117/K-36 Sarvodaya Nagar,
KANPUR.

AND

The Manager
State Bank of India 16/19 Civil Lines,
KANPUR.

A WAR D

1. Central Government, MOL, New Delhi. vide Notification No.L-12012/662/98/IR(B-1) dated 5.5.99 has referrd the following dispute for adjudication to this Tribunal :

Whether the demand of Sri Chaitu Lal Chakarverty to reemploy him under section 25-H of I.D.Act with the management of State Bank of India is justified? If so. what benefit the workman is entitled to?

2. In the instant case when after the exchange of pleadings of parties and after the parties have led evidence in support of their respective cases, the case was taken up for dictating award it transpired that the date of reemployment has not been mentioned in the schedule of reference order. Tribunal is obivious of the fact that the defect as pointed out is fatal against the workman. In case the tribunal after appraisal of evidence and pleadings of the contesting parties comes to a conclusion that the action of the management is neither legal nor 'justified then a normal question for consideration arises as to from what date the workman be given the relief as claimed by him. It is also settled position of law that the tribunal cannot borrow any knowledge in its award gathered from the record while recording its final award especially when the same has not been questioned in the schedule of reference order.

3. In view of above discussions, tribunal is bound tc hold that the schedule of reference order is vague and on the basis of vague terms of reference order workman cannot be held entitled for any relief.

4. Accordingly it is held that the reference order bound to be decided against the workman and in favour of the opposite party bank holding that the workman is not entitled for any relief as claimed by him.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3036.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 146/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/133/1998-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3036.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 146/2004) of the Cent. Govt. Indus. Tribunal/Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, received by the Central Government on 10-7-2006.

[No. L-12012/133/1998-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI B. I. KAZI, B. Sc. LL. M., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

REFERENCE (C.G.I.T.A.) NO. 146 OF 2004

OLD REFERENCE (I.T.C.) NO. 23 OF 1988.

BETWEEN

State Bank of India,
Modasa Branch,
Modasa,
District— Sabarkantha. ....First Party

And

Shri Abdulbhai Ismailbhai Manva,
117, Shama Society,
Dugarwada Road,
Tal. Modasa, Dist. Sabarkantha. ....Second Party

APPEARANCE:

Shri B. K. Oza for the First Party.

Shri I. F. Shaikh for the Second Party.

AWARD

The Government of India, Ministry of Labour has referred this Industrial Dispute between the above parties by order No. L-12012/133/98/IR(B-I) dated 6-01-1999 to this Tribunal for adjudication. The Schedule is as under :

SCHEDULE

"Whether the action of management of State Bank of India, Modasa, in terminating the services of Shri Abdulbhai Ismailbhai Manava is justified ? If not, what relief the workman concerned is entitled to ?"

2. A notice was issued to the Second Party to file the Statement of Claim. By Exh. 5 the Second Party has submitted a statement of claim. The brief facts are that the concerned workman was working as a temporary Faras-cum-Messanger on full time basis as well as part time in the month of January, 1984. He has served continuously. He was called for interview dated 26-9-1989. He was at serial number 133 in the selection list. 88 candidates have been cleared till today, he has not been absorbed. The bank terminated the services of the second party with effect from 1-7-1995 without following any due procedure. No opportunity was given in terms of principle of natural justice. After termination though contacted by the second party, no proper reply was given by the bank. Thus, the concerned workman sent letters dated 12-8-1997 and 13-9-1997 to the First Party. Thus, the termination is illegal, malafide and it violates the principles of natural justice. It is prayed that the action of the First Party in terminating the services of the Second Party under the guise of victimization, may be declared illegal and void and the First Party may be directed to reinstate the Second Party in his original post along with continous service with full back wages and other benefits and cost of the reference.

3. A notice was issued to the First Party to file written statement. By Exh. 6 the First Party has submitted written statement. The brief facts are that the contentions in para-1 to 8 are denied. It is not true that the concerned workman has worked as a temporary Faras-cum-Messanger on full time and as part time from January, 1984 to 20-6-1995 continuously. It is true that the workman was called for an interview on 26-09-1989 but it is not true that he was selected and his selection number was 133. It is not true that the service of the Second Party was terminated on 1-7-1995 without following due process of law and in violation of principles of natural justice. The Second Party was employed on 16-1-1998 and he has worked up to 9-4-1984 in Malpur Branch of the Bank. Thus, he has worked for 85 days. As per the settlement between the bank and the union, under section 2(p) of the Industrial Disputes Act, a workman who has worked as a temporary workman and who has worked from 25-09-1989 to 14-10-1989 can be absorbed as subordinate staff by taking interview. It is true that he was called for an interview but it is not true that he is entitled for the employment. After 11 years he was again employed on 1-5-1995 to 31-5-1995 as a Messanger and it was only for one month. However, the employment was extended up to 30-06-1995. Thus, he has worked for 60 days in 1995. The selection/waiting list was continued upto 31-03-1997. Thus, there is no violation of section 25 (F) of the I. D. Act and the Second Party is not entitled for reinstatement with continuity of service and back wages. Thus, the reference should be rejected with costs.

4. The Second Party has submitted documentary evidence list by Ex.8.8/1 is Ex. 19, 8/2 is Ex. 20.

5. The First Party has submitted his documentary evidence list by Ex. 7 and by Ex. 20. Mark as 7/1 is Ex. 14, 7/2 is Ex. 12, 7/3 is Ex. 13, 7/4 is Exh. 15, 7/5 is Ex. 16, 7/6 is Ex. 17, 7/7 is Ex. 18. Mark 22/1 is application by Lalabhai Prajapati, Mark-22/2 is the certificate given by Kungher Branch, Mark 22/3 is also a certificate given to Shri Lalabhai Prajapati.

6. The Second Party has examined himself by Ex. 9 and the Second Party closed his evidence by Ex. 10. The First Party Examined Shri Ramanbhai Virabhai by Ex. 11 and the First Party closed its evidence by Ex. 21.

7. Heard the learned representatives of the parties. On behalf of the Second party, Shri Shaikh submitted that the Second Party has worked in 1984 for 85 days and in 1995 for 60 days. He was called for an interview, he was selected at serial No. 133 but he was not absorbed in the subordinate staff. Thus, the action of the First Party is illegal, improper and bad in law and in violation of section 25(F) of I.D. Act as no notice or notice pay was given to the Second Party at the time of termination.

8. Heard the learned representative Shri Ketan Oza on behalf of the First Party. It is submitted by him that section 25(F) of the I.D Act is not applicable as the concerned workman has worked for 60 days preceding 12 months from the termination. Not only that, he was not selected at serial No. 133 but the same is a number of interview call letter and not a selection number. Thus, he has not completed 240 days, the concerned workman is not entitled for the reinstatement to his post with continuity of service. He is also not entitled for the back wages.

9. Looking to the submissions of the parties and looking to the materials on record, the following issues are to be decided for my consideration

ISSUES :

(A) Whether the concerned workman proves that he has worked for 240 days preceding 12 months of the termination in the First Party bank?

(B) Whether the action of the management of the State Bank of India, Modasa Branch, Modasa in terminating the services of the concerned workman is justified?

(C) Whether the concerned workman is entitled for the reinstatement to his original post with continuity of service?

(D) What order about the back wages?

(E) What final order?

10. My answer to the above issues are as under as per the reasons given below :

ANSWERS :

(A) No.

(B) No.

(C) No.

(D) No order regarding back wages.

(E) As per final order of the Award.

REASONS

11. If we peruse the documents submitted by the Second Party Annexure-19, then it is clear that the Second Party has worked in the Bank in 1984 for 85 days from 16-1-1984 to 9-4-1984. Again he has worked in the Bank for 61 days in 1995. The documents submitted by the Second Party and looking to the oral evidence Ex. 9, it is clear that the Second Party has not worked for 240 days in 12 calendar month preceding the termination. He has also admitted that he has no evidence to show that he has worked from 16-01-1984 to to 20-06-1995 continuously. It is admitted by him that he had applied for the post of subordinate staff as per advertisement, he was called for an interview, but he admits that there is no evidence that he has been passed in the interview and his name was entered into the waiting list. Now, looking to the documents submitted by the First Party, it is clear that as per Ex. 14, he has worked for 85 days in 1984 and as per Ex. 12 he has worked for one month in 1995. Thus, it is clear that the Second Party has not worked for 240 days in 12 months preceding the termination.

12. In the cases of Ganganagar Sugar Mills v. State of Rajasthan and another, reported in 2004(8) SCC 161, and Municipal Corporation, Faridabad v. Shrinivas—2004 (8) SCC, 195 and M.P. Electricity Board v. Hariram —2004(8) SCC, 246, it was held by the Apex Court that the burden of proof lies on the workman to show that he had worked continuously for 240 days preceding one year prior to his alleged retrenchment and it is for the workman to adduce an evidence to do factum of his being in employment of the employer. In the Range Forest Officer v. S.T. Hadimani 2002(3) SCC page-25 it was held by the Apex Court that filing of affidavit cannot be regarded as sufficient evidence to come to the conclusion that a workman had in fact worked for 240 days in a year. No proof of receipt of salary or wages or acknowledgement for this period was produced by the workman. In Surendranagar Panchayat and another v. Jethabhai Pitambarbhai—2006 (1) LLJ page 268 it was held by the Hon'ble supreme court that the claimant has to lead the evidence to show that he had worked for 240 days in a year preceding termination. Thus, looking to the judgement of Mohanlal v. Management of Bharat Electronics Ltd.-1981 (2) LLJ page 70, it is clear that section 25(F) of the I.D. Act is not applicable in the present case, looking to the admission of the workman that he has not worked for 240 days in a calendar year preceding termination.

13. Thus, the action of the First Party in terminating service of the Second Party is not unjust or illegal. There is no violation of principles of natural justice and section 25(F) is not applicable in the present case. Thus, the second party is not entitled for the reinstatement with continuity of service on his post. Hence, the Second Party is not entitled for the reinstatement with continuity of service or for the back-wages.

14. Looking to the above observations, I hereby pass the following order.

ORDER

The reference is hereby rejected. The action of the management of State Bank of India, Modasa, Branch Modasa, Dist. Sabarkanth in terminating the services of Shri Abdulbhai Ismailbhai Manva, is not unjust or illigal. The concerned workman is not entitled for the reinstatement in service with continuity of service, not only that he is also not entitled for the back wages from the date of termination. No order as to costs.

Ahmedabad.

Date : 28-02-2006 B. I. KAZI, Presiding Officer.

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3037.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 188/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41012/16/1999-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3037.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 188/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41012/16/1999-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT : SHRI B.I. KAZI (B.SC., L.L.M) PRESIDING OFFICER

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A. No. 188/04.)

OLD (I.T.C.) No. 103/1999

1. The Divisional Railway Manager,
   Western Railway,
   Pratapnagar
   Baroda-390004.
2. The General Manager,
   Western Railway,
   Churchgate
   Mumbai
3. The Divisional Mrch. Engineer,
   Western Railway, Pratapnagar, (Guj)
   Baroda-394220

.....First Party

Vs.

Shri Rameshbhai Vestabhai
C/o. Shri J.K. Ved Sinduri Matha Devasthan
S.T. Ng. Road,
Godhra (Gujarat) 390001

.....Second Party

APPEARANCE :

First Party : Shri H.B. Shah

Second Party : Shri J.K. Ved

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41012/16/99- IR(B-I) dated 11-05-1999 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the railway administration in imposing the penalty of removal from service upon Shri Rameshbhai S/o Shri Vestabhai, Khalasi under CWS, Godhra w.e.f. 08-11-1994 on the charges of misconduct vide chargesheet No. E/308/5/3/C&W/326 dated 01-01-1993 is legal and justified? If not, to what relief the concerned workman is entitled?"

2. The second party was issued a notice to file a statement of claim by this Tribunal on 9-08-1999. The second party has submitted an authority to represent the second party. By Ex. 7, the second party submitted an application to withdraw the reference and it was stated that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the facts of Ex. 7, the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following the order :

ORDER

Application Ex. 7 is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed off. No order as to cost.

Date : 17-04-06
Ahmedabad B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3038.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 289/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/420/1999-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3038.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 289/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 10-7-2006.

[No. L-12012/420/1999-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT : SHRI B.I. KAZI, (B.Sc., L.L.M)
PRESIDING OFFICER

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 289/04

OLD (I.T.C.) No. 44/2000

The Chief Manager,
State Bank of India, Diwan pur Road,
Bhavnagar (Gujarat) 364001.

.....First Party

V/s.

Shri Sanjay M. Makwana,
C/o. Gen. Workers Union Vadva
Chavdi Gate, Near Kalubhai Panwala
Bhavnagar (Gujarat) 364001

.....Second Party

APPEARANCE

First Party : Shri B.K. Oza

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/420/99 IR(B-I) dated 16-03-2000 to this Tribunal for adjudication the terms of reference is as under :

Schedule

"Whether the action of the management of State Bank of India Diwanpur Road, Bhavnagar in terminating/ discounting from service of Shri Sanjay M. Makwana w.e.f. 12-03-1998 is legal and justified? If not to what relief the concerned workman is entitled to?"

2. A notice was issued to the parties to file their claims. The Second party has filed the statement of claim by Ex. 7. The first paty has filed the written statement by Ex. 9. However, the proper opportunity was given by this Tribunal to prove his case to the second party. The second party failed to present his case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of State Bank of India Diwanpur Road, Bhavnagar in terminating/discounting from service of Shri Sanjay M. Makwana w.e.f. 12-03-1998 is legal and just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 12-10-05

Ahmedabad B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3039.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 320/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/418/1999-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3039.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 320/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 10-7-2006.

[No. L-12012/418/1999-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

SHRI B.I. KAZI, (B.Sc. L.L.M) Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 320/04.

OLD (I.T.C.) No. 82/2000

The Chief Manager,
State Bank of India, Diwanpur Road,
Bhavnagar (Gujarat) 364001.

.....First Party

V/s.

Shri Chetan Babubhai Gohil
C/o. Rashtriya General Workers Union
Vadav Chavdi Gate, Near Kalubhai Panwala
Bhavnagar (Gujarat) 364001

.....Second Party

APPEARANCE :

First Party : Shri B.K. Oza.

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/418/99-IR(B-I) dated 28-08-2000 to this Tribunal for adjudication the terms of reference is as under:

SCHEDULE

"Whether the action of the managewment of State Bank of India Diwanpur Road, Bhavnagar in terminating service of Shri Chetan Babubhai Gohil w.e.f. 9-10-1997 is justified? If not, what relief the concerned workman is entitled to?"

2. A notice was issued to the parties to file their claims. The Second party has filed the statement of claim by Ex. 7. The first paty has filed the written statement by Ex. 9. However, the proper opportunity was given by this Tribunal to prove his case to the second party. The second party failed to prove his case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of State Bank of India Diwanpur Road, Bhavnagar in terminating the services of Shri Chetan Babubhai Gohil w.e.f. 09-10-1997 is just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Ahmedabad :

Date 12-10-2005 B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3040.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 321/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/419/1999-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3040.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 321/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 10-7-2006.

[No. L-12012/419/1999-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT : SHRI B.I. KAZI (B.Sc., L.L.M), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 321/04

OLD (I.T.C.) No. 83/2000

The Chief Manager,
State Bank of India, Diwanpur Road,
Bhavnagar (Gujarat) 364001.

.....First Party

V/s.

Shri Kaushik Chimanbhai Gohil
C/o. Rashtriya General Workers Union
Vadav Chavdi Gate, Near Kalubhai Panwala
Bhavnagar (Gujarat) 364001

.....Second Party

APPEARANCE:

First Party : Shri B.K. Oza.

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/419/99 IR(B-I) dated 28-08-2000 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of State Bank of India Diwanpur Road, Bhavnagar in terminating the service of Shri Kaushik Chimanbhai Gohil w.e.f. 15-11-1997 is justified? If not to what relief the concerned workman is entitled to?"

2. A notice was issued to the parties to file their claims. The Second party has filed the statement of claim by Ex. 7. The first paty has filed the written statement by Ex. 8. However, the proper opportunity was given by this Tribunal to prove his case to the second party. The second party failed to prove his case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of State Bank of India Diwanpur Road, Bhavnagar in terminatingthe services of Shri Kaushik Chimanbhai Gohil w.e.f. 15-11-1997 is just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Ahmedabad

Date : 12-10-05 B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3041.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 369/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41012/212/2000-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3041.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 369/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41012/212/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT : SHRI B.I. KAZI (B.Sc. L.L.M), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 369/04

OLD (I.T.C.) No. 15/2001

1. The Divisional Railway Manager,
   Western Railway,
   Kothi Compound,
   Rajkot (Gujarat) -360 001.
2. The Asst. Engineer (MG),
   Western Railway,
   Engineering Department,
   Sabarmati Junction, Sabarmati,
   Ahmedabad -380 001
3. The Permanent Railway Inspector,
   Engg. Department W/R
   Opp. A Cabin Kalol (Gujarat)

.....First Party

V/s.

The Org. Secretary,
Assn. of Railway & Post Employees,
15, Shashi Apartments,
Nr. Old Anjali Cinema, Vasna Road,
Ahmedabad (Gujarat)

.....Second Party

APPEARANCE:

First Party . Shri H.B. Shah

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41012/212/2000-IR(B-I) dated. 8-2-2001 to this

Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the Rajkot Division of Western Railway in terminating the service of Shri Gabhaji KodarjiThakore Gangman CPWI Kalol w.e.f. 1-10-1996 is legal and justified? If not, then whether Shri Rajuji G. Thakore son of Shri Gabhaji Thakore is entitled for compassionate appointment? If not, then relief the heir of the deceased are entitled to ?"

2. The second party was issued a notice to file a statement of claim by this Tribunal on 19-02-01. The date to file the statement of claim was 4-4-01. The appropriate Government has also directed the second party who raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribuual within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 5 years from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations, I hereby pass the following order :

ORDER

The action of the Rajkot Division of Western Railway in terminating the service of Shri Gabhaji Kodarji Thakore Gangman CPWI Kalol w.e.f. 1-10-1996 is legal and just. The heir concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date 20-03-06

Ahmedabad B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3042.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 437/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41012/97/2001-आई आर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3042.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 437/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41012/97/2001-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B.I. KAZI (B. Sc., L.L.M), Presiding Officer

Industrial Dispute (Reference C.G.I.T.A.) No. 437/04

Old (I.T.C.) No. 103/2001

1. The Chief Workshop Manager,
   Western Railway,
   Eng. Workshop Sabarmati,
   Ahmedabad
2. The Divisional Railway Manager,
   Western Railway,
   Jaipur (Rajasthan) 302001

.....First Party

V/s.

The General Secretary,
Paschim Railway Karamchari Parishad,
E/209, Savottam Nagar, Nr. New Railway Colony,
Sabarmati, Ahmedabad-380 019

.....Second Party

APPEARANCE :

First Party : Smt. Sonal Patel

Second Party : Shri B. K. Sharma

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41012/97/2001-IR(B-I) dated 07-12-2001 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the Management of Chief Works Manager, Western Railway Engineering Workshop, Sabarmati Ahmedabad in denying the payment of wages to Shri Shiv Bahadur for 3-4-2000 and 4-4-2000 in the guice of own request transfer is justified ? If not, to what relief the concerned employee is entitled ?"

2. The second party was issued a notice to file a statement of claim by this Tribunal on 14-3-2002. The second party has submitted an authority to represent the second party. By Ex. 12, the second party submitted an application to withdraw the reference and it was stated

that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the facts of Ex. 12, the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following order :

ORDER

Application Ex. 12 is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed off. No order as to cost.

Ahmedabad :

Date : 31-03-06 : B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3043.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 725/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41012/195/2000-आई आर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3043.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 725/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41012/195/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B.I. KAZI, (B.Sc., L.L.M), Presiding Officer

Industrial Dispute (Reference C.G.I.T.A.) No. 725/04

Old (I.T.C.) No. 04/2001

The General Manager,
Western Railway,
Church Gate,
Mumbai-400 001

The Divisional Railway Manager,
Western Railway,
Pratapnagar,
Baroda-390 004

The Divisional Engineer (II),
Western Railway,
Railway Yard,
Pratapnagar,
Baroda-390 004 .....First Party

V/s.

Mr. Marudai Kuruppan,
C/o J.K. Ved Mata Desthasn S.
T. Nagar Road,
At & Post Godhra-390 001

.....Second Party

APPEARANCE:

First Party : Shri R.D. Mathuresh

Second Party : Shri J.K. Ved

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41012/195/2000-IR(B-I) dated. 29-12-2000 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the Divisional Railway Manager, Western Railway, Baroda Division, Baroda and its Officers in terminating/discounting/not allowing the workman to resume his duties on 21-9-1991 and therafter in the Railway services is justified ? If not, to what relief the concerned workman is entitled ?"

2. A notice was issued to the parties to file their claims. The second party has filed the statement of claim by Ex. 3. The first party has filed the written statement by Ex. 5. However, the proper opportunity was given by this Tribunal to prove his case to the second party. The second party failed to prove his case. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations, I hereby pass the following order :

ORDER

The action of the Divisional Railway Manager, Western Railway, Baroda Division, Baroda and its Officers in terminating/discounting/not allowing the workman to resume his duties on 21-9-1991 and thereafter in the Railway services is just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Ahmedabad :

Date : 27-10-2005 B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3044.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 837/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41011/26/2003-आईआर (बी-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3044.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 837/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41011/26/2003-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT : Shri B. I. KAZI, (B. Sc., L. L. M.), Presiding Officer

Industrial Dispute (Reference C.G. I.T.A.) No. 837/04

Old (L. T. C.) No.10/2004

1. The Divisional Railway Manager,
Western Railway,
Pratapnagar
Baroda-390 004.

2. The General Manager,
Western Railway,
Churchgate
Mumbai ...First Party

V/s.

The Divisional Secretary,
Paschim Railway Karamchari Parishad,
Shastri Pole, Kothi,
Baroda. ...Second Party

APPEARANCE :

First Party : Shri R.D. Mathuresh

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41011/26/2003-(IR (B-I) dated. 20-03-2004 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the demand of the union to grant ACP w.e.f. 01-10-1999 to the workmen Shri Kihore Singh L., Kalubhai S. Bhavsingh G., Rangeet C., Mansingh M. & Nathusingh T. is legal, proper and justified? If so, to what relief the concerned workmen are entitled to and from which date and what other directions are necessary in the matter?"

2. The second party was issud a notice to file the statement of claim by this Tribunal on 26-03-2004. The date to file the statement of claim was 25-06-2004. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 1 year 9 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen failed to prove this case.

Looking to the abov observations I hereby pass the following order :

ORDER

The demand of the union to grant ACP w.e.f. 01-10-1999 to the workmen Shri Kihore Singh L. Kalubhai S. Bhavsingh G., Rangeet C., Mansingh M. and Nathusingh., T. is illegal, improper and unjust. The concerned workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Ahmedabad :
Date : 25-04-06 B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3045.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 838/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41011/32/2003-आईआर (बी-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3045.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 838/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41011/32/2003-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT: Shri B. I. KAZI, (B. Sc., L. L. M.), Presiding Officer

Industrial Dispute (Reference C.G. I.T.A.) No. 838/04 Old (I. T. C.) No.11/2004

1. The Divisional Railway Manager,
Western Railway,
Pratapnagar
Baroda-390 004. ...Firsty Party

V/s.

The Divisional Secretary,
Paschim Railway Karamchari Parishad,
Shastri Pole, Kothi,
Baroda. ...Second Party

APPEARANCE:

First Party : Shri R.D. Mathuresh

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41011/32/2003-(IR (B-I) dated. 20-03-2004 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the Railway Administration through Divisional Manager, Western Railway, Baroda in not granting the benefits of seniority and promotional prospect in favour of the workmen Shri Devji Rama and Shri Nan Singh Ghala is legal proper and justified? If so, to what relief the concerned workmen are entitled to and from which date and what other directions are necessary in the matter?".

2. The second party was issued a notice to file the statement of claim by this Tribunal on 26-03-2004. The date to file the statement of claim was 26-04-2004. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 2 years from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the Railway Administration through Divisional Manager, Western Railway, Baroda in not granting the benefits of seniority and promotional prospect in favour of the workmen Shri Devji Rama and Shri Nansingh Ghala is legal, proper and just. The concerned workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Ahmedabad :
Date : 18-04-06 B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3046.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ सौराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 925/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/416/2000-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3046.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 925/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Saurashtra and their workman, which was received by the Central Government on 10-7-2006.

[No. L-12012/416/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. KAZI, (B. Sc., L. L. M.), Presiding Officer

Industrial Dispute (Reference No. C.G. I.T.A.) No. 925/04 Old (I. T. C.) No. 05/2002

The General Manager,
State Bank of Saurashtra
Head Office near Lambaugh
Bhavnagar (Gujarat) ....First party

V/s.

Shri Bakulbhai Manganlal Parmar,
C/o. Sh. Pradip Thakker Shramik Sangh
Keaveri Corp. Navapur
Bhavnagar (Gujarat) ....Second party

APPEARANCE:

First Party : (Absent)

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/416/2000-IR (B-I) dated 11-01-2001 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the Management of State Bank of Saurashtra in terminating the services of Shri Bakulbhai M. Parmar w.e.f. 13-05-2000 is justified? If not, to what relief the concerned workman is entitled?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 11-09-01. The date to file the statement of claim was 15-10-01. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 5 years & 3 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen failed to prove this case.

Looking to the above observations I hereby pass the following order.

ORDER

The action of the management of State Bank of Saurashtra in terminating the services of Shri Bakulbhai M. Parmar w.e.f. 13-05-2000 is just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 09-03-06
Ahmedabad. B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3047.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 1028/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41012/135/1995-आईआर (बी-1)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3047.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1028/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41012/135/1995-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. KAZI, (B. Sc., L. L. M.), Presiding Officer

Industrial Dispute (Reference C.G. I.T.A.) No. 1028/04 Old (I. T. C.) No. 45/1996

1. The Divisional Railway Manager,
Western Railway, Ajmer. ...First party

V/s.

Shri Chandrasen,
Through General Secretary,
Western Railway Kamdav Sangh
TBZ 17, Gurunagar, Gandhidham ...Second party

APPEARANCE:

First Party : (Present) Y. C. Rajyaguru

Second Party : (Present) O. P. Vashisth

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41012/135/95-IR (B-I) dated : 6-11-1996 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the demand of the W. Rly. Kamdav Sangh Gandhidham against the D.R.M. W. Rly. Ajmer that Shri Chander Sen Stores Khalasi working under C.E. (C) Ahmedabad whose medical classification is C/1 be given permanent appointment against any such posts of messengers, peon, watchman given to his juniors whose medical category is C/2 just valid and legal? If so, to what benefits the workman is entitled for? What directions are necessary in the matter?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 18-03-1998. The second party has submitted an authority to represent the second party. By Ex. 7, the second party submitted an application to withdraw the reference and it was stated that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the facts of Ex. 7 the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following order.

ORDER

Application Ex. 7 is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed off. No order as to cost.

Date : 15-11-06

Ahmedabad. B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3048.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 1062/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41012/127/1996-आईआर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3048.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1062/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41012/127/1996-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. KAZI, (B. SC., L. L. M.) Presiding Officer

Industrial Dispute (Reference C.G. I.T.A.) No. 1062/04

Old (I. T. C.) No. 36/1997

1. The Divisional Railway Manager,
Western Railway,
Division office,
Ajmer Division, Ajmer (Rajasthan) .....First Party

V/s.

General Secretary,
Western Railway Kamdav Sangh
TBZ 17, Gurunagar, Gandhidham
Kutch . . .Second party

APPEARANCE:

First Party : (Present) Y. C. Rajyaguru

Second Party : (Present) O. P. Vashisth

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41012/127/96-IR (B-I) dated 3-07-1997 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whethrer the demand of the Western Railway Kamdav Sangh, Gandhidham against the Divisional Railway Manager, Ajmer that Smt. N.R.

Nariani, Sr. Clerk under ARM-Gandhidham be taken back to her original duties with back effect and back wages by cancelling the penalty of reversion for two years, under his order dated 19-09-1995, valid just and legal?. If so, to what benefits the employee is entitled for and that directions are necessary in the matter?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 22-10-1997. The second party has submitted an authority to represent the second party. By Ex. 16, the second party submitted an application to withdraw the reference and it was stated that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the facts of Ex. 16, the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following order.

ORDER

Application Ex. 16 is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed off. No order as to cost.

Date : 28-11-05
Ahmedabad. B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3049.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 1076/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41012/134/1996-आईआर (बी-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3049.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1076/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41012/134/1996-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. KAZI, (B. Sc., L. L. M.), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) NO. 1076/04
OLD (I. T. C.) NO. 5/1998

1. The Divisional Railway Manager,
Western Railway,
Division Office,
Ajmer Division, Ajmer (Rajasthan) ...First Party

V/s.

General Secretary,
Western Railway Kamdav Sangh
TBZ 17, Gurunagar, Gandhidham,
Kutch ...Second Party

APPEARANCE:

First Party : Shri Y. C. Rajyaguru

Second Party : (Present) O. P. Vashisth

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41012/134/96-IR (B-I) dated 16/01/1990 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of DRM, Western Railway, Ajmer in denying promotion of Shri A. C. Rupani, Dy. TNL. GTM is legal and justified? If not, to what relief the workman is entitled?"

2. The second party was issued a notice to file a statement of claim by this Tribunal on 18/03/1998. The second party has submitted an authority to represent the second party. By Ex. 6, the second party submitted an application to withdraw the reference and it was stated that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the facts of Ex. 6 the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following the order :

ORDER

Application Ex. 6 is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed off. No order as to cost.

Ahmedabad.

Date : 10-11-05

B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3050.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 1077/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-41011/12/1996-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3050.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1077/04) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 10-7-2006.

[No. L-41011/12/1996-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT : Shri B. I. KAZI, (B. Sc., L. L. M.)
Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G. I.T.A.) NO. 1077/04
OLD (I. T. C.) NO. 06/1998

1. The Divisional Railway Manager,
Western Railway,
Division office,
Ajmer Division, Ajmer (Rajasthan) ...First Party

V/s.

General Secretary,
Western Railway Kamdav Sangh
TBZ 17, Gurunagar, Gandhidham ...Second Party

APPEARANCE :

First Party : (Present) Y. C. Rajyaguru

Second Party : (Present) O. P. Vashisth

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-41011/12/96-IR (B-I) dated. 3-02-1998 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the demand of the Western Railway Kamdav Sangh, Gandhidham that the seven workmen, listed below who have retired, from Railway services for refund of the excess recovered amount of the Electric Bills shown against each, is just, valid and legal? If so to what benefits the employees are entitled for and what directions are necessary in the matter?"

2. The second party was issued a notice to file a statement of claim by this Tribunal on 18-03-1998. The second party has submitted an authority to represent the second party. By Ex. 8, the second party submitted an application to withdraw the reference and it was stated that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the facts of Ex. 8, the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following the order :

ORDER

Application Ex 8 is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed off. No order as to cost.

Ahmedabad.

Date : 25-11-05

B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3051.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या सीजीआईटीए- 238/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/158/1999-आईआर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3051 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGITA-238/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 11-7-2006.

[No. L-42012/158/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI B. I. KAZI, B.Sc. LL.M., PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

REFERENCE (C.G.I.T.A.) NO. 238 OF 2004

Old Reference (I.T.C.) No. 170 of 1999

BETWEEN:

1. Director General of (Works),
   C.P.W.D.,
   Nirman Bhavan, New Delhi,
2. The Additional Engineer (Civil),
   Ahmedabad Central Circle,
   C.P.W.D.,
   Mrudul Tower, 7th Floor,
   Ashram Road,
   Ahmedabad,
3. Executive Engineer (Civil),
   Ahmedabad Central Division,
   C.P.W.D.,
   Jawahar Saw Mills Building,
   Outside Shahpur Darwaja,
   Ahmedabad-380004.

.....First Party

AND

Shri Shivabhai Bhanabhai Purabia,
C/o. Regional Secretary,
All India CPWD Employees Union,
Western Region, 2nd Floor,
Jawahar Saw Mill Building,
O/s. Shahpur Gate,
Ahmedabad.

.....Second Party

APPEARANCES:

Shri Munshi for the First Party

Shri Vinod Parmar for the Second party

AWARD

1. The Government of India, Ministry of Labour has referred this Industrial Dispute between the above parties by Order No. L-42012/158/99/IR/(DU) dated 27-10-1999 to this Tribunal for adjudication. The schedule is as under :

SCHEDULE

"Whether the action of CPWD, Ahmedabad Div., Ahmedabad is justified in terminating the workman Shri Shivabhai Bhanabhai Purabia as a contractor instead of treating him a regular employee from the date of his appointment and terminating his services w.e.f. 31-5-1994 is legal and justified? If not, to what relief the concerned workman is entitled ?"

2. A notice was issued to the Second Party to file the Statement of Claim. By Exh. 4 the Second Party has submitted a statement of claim. The brief facts are that the concerned workman was working under the opponent No. 3 at Ahmedabad. He was working as a Sweeper as daily rated. The work order has been issued to the concerned workman by the First Party to carry out the work of Sweeper in various Government Colonies. He has worked from 7-9-1991 to 12-4-1993. Thus, he was terminated by oral order without any notice, without paying any compensation under Section 25(F) of the Industrial Disputes Act on 13-3-1997. He has completed 240 days in each year. Section 25(G), 25(H) of I.D. Act is applicable. Thus, it is prayed that the oral termination of the concerned workman from 13-3-1997 shall be treated in violation of Section 25(F) 25(G) and 25(H) of the I.D. Act. And to reinstate the concerned workman with full back wages on his original post and to award the cost of the reference.

3. A notice was issued to the First Party to file written statement. By Exh. 8 the First Party has submitted written statement. The brief facts are that the I.D. Act is not applicable. The Second Party was not appointed as a Daily Wager but he was a contractor and under the work contract, the casual work has been done from 9-9-1991 to 11-8-1992. He submitted the quotation for that work. After that further contract was given for the period from 6-1-1994 to 31-5-1994 and the contract per day was for Rs. 27.30 ps. The copies of the work orders are produced. It is not true that he was a workman. On completion of the contract, the contract was terminated and no further work was given, hence, section 25(F), 25(G) or 25(H) is not applicable to the present case. It is also not true that his services were terminated from 13-3-1997. Thus, the Second Party is not workman under the I.D. Act. The contract was ended by giving a notice of one month. Thus, it is prayed that reference shall be rejected with cost.

4. The Second Party has submitted documentary evidence list by Ex. 5 which are work order from 1991 to

1994 and other documents are marked as 5/1 to 5/8. By Ex. 14 the Second Party has submitted further documents which are marked as 14/1 to 14/3.

5. The First Party has submitted his documentary evidence list by Ex. 9. They are marked as 9/1 to 9/22. 9/1 to 9/13 are the various work order while 9/15 to 9/22 are the various orders of Central Administrative Tribunal for different persons.

6. The concerned workman examined himself by Ex. 12 and the Second Party closed his evidence by Ex. 15. The First Party Examined Dev Jyoti Roy Chaudhary by Ex. 16 and the First Party closed its evidence by Ex. 17.

7. Heard the learned representatives of the parties. On behalf of the Second Party, Shri Vinod Parmar submitted that the Second Party has worked from 7-9-1991 to 13-3-1997 through in the guise of work order. He was actually working as a Sweeper with the First Party. At the time of termination, no notice pay or notice was given. Section 25(F) of the I.D. Act was not followed and the action of the First Party terminating the services of the Second Party is illegal, improper and unjust and thus, the Second Party should be reinstated with full back wages and with continuity of service.

8. Heard the learned representative Shri Munshi on behalf of the First Party. It is submitted by him that looking to the decuments submitted by the First Party, it is clear that the Second Party is not a workman under Section 2(s) of the I.D. Act. He was given a contract for Sweeper to clean the drainage and for the miscellaneous work relating to the drainage in the residential colonies of the Central Government. He quoted the lowest rate and hence, contract was given to him. Thus, he is a contractor and not a workman. Thus section 25(F) of I.D. Act is not applicable as the Second Party is not workman and section 25(G) and (H) is not applicable. Hence, reference should be rejected with cost.

9. Looking to the submissions of the parties and looking to the materials on record, the following issues are to be decided for my consideration.

Issues :

(A) Whether the concerned workman proves that he is a workman under the Industrial Dispute Act?

(B) Whether the concerned workman is entitled for the reinstatement with continuity of service?

(C) What order about the back wages?

(D) What final order?

10. My answer to the above issues are as under as per the reasons given below :

Answers :

(A) No.

(B) No.

(C) No order regarding back wages.

(D) As per final order of the Award.

Reasons

11. If we peruse the documents submitted by the First Party Annexure-9, Ex. 9/1 to 9/13 clearly shows that the Second Party was awarded a contract. Thus, he was not a regular or temporary employee of the First Party but a work order was given for various purposes from 7-9-1991 to 1997. It was for engaging Sweepers for attending drainage, sewer lines cleaning and inspecting chambers, gully traps, main holes, etc. in respect of colonies' maintenance of the Central Government. Thus, looking to the evidence of the First Party, Ex. 16, it is clear that the contract was given to the Second Party as his rate was lowest for the drainage line. The Second Party has not contradicted the evidence of the First Party by any cogent evidence. Not only that, the documentary evidence shows that it is a work contract and the Second Party was not employed as a daily wager or temporary employee as a Sweeper. Thus, it is clear that the Second Party was not a workman under Section 2(s) of the I.D. Act. Looking to the documentary evidence submitted by the Second Party by Ex. 5, it is clear that he has not worked as a workman but a contract of drainage cleaning was awarded to the Second Party. In the cross examination of the Second Party Ex. 12, he has admitted that as per the work order, he has to work and work order was issued from 9-9-1991 to 11-8-1993 and in the cross examination, he states that the only evidence is the work order. He has also admitted that the payment is received by him for work order for the period 1991 to 1994.

12. Thus, looking to the definition of workman, unless a person is employed in any activity which is an Industry, he will not be a workman. Thus, he has to prove that he was employee in an industry. The Second Party was not employed for remuneration, higher or reward but a contract was given to him to do certain works. Thus, there is no relationship of employer and employee between the First Party and the Second Party. Thus, in the present case, the Second Party is an independent "Contractor" and is not an "employee". In Chintamalrao *v.* State of M.P.1958 2 LLJ page 256 SC, it was held that the identifying mark of the servant is that he should be under the control or supervision of the employer in respect of the details of the work. Thus, the direction and control are the telling factor in determining the relationship of the employer and employee. In the present case, there is no employer-employee relationship between the parties.

13. As the Second Party is not a workman and the First Party is not the employer, the Second Party being a Contractor, no Industrial Disputes Act is applicable in the present case. Thus, Section 25(F) (G) or (H) is not applicable.

14. Looking to this fact, the Second Party is not entitled for the reinstatement, as the termination of contract is not a retrenchment and there is no violation of Section 25(F) (G) or (H) of the I.D. Act. Hence, the Second Party is not entitled for the reinstatement with continuity of service or for the backwages.

15. Looking to the above observations, I hereby pass the following order :

ORDER

The action of the C.P.W.D., Ahmedabad is justified in treating the Second Party Shri Shivabhai Bhanabhai Purabia as a contractor instead of treating him a regular employee. There is no termination of the service of the Second Party. As being a contractor, the Second Party is not entitled to any relief. The reference is hereby rejected. No order as to costs.

Ahmedabad

Date : 8-2-2006

B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3052.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या सीजीआईटीए- 217/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/35/1999-आईआर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3052 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGITA-217/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 11-7-2006.

[No. L-40012/35/1999-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI B. I. KAZI, B.Sc. LL.M., PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

REFERENCE (C.G.I.T.A.) NO. 217 OF 2004

OLD REFERENCE (I.T.C.) No. 142 of 1999

BETWEEN:

General Manager,
Bharatiya Sanchar Nigam Ltd.,
Godhra, Dist. Panchmahal-389001

... First Party

AND

Shri Chandrasingh Madhurbhai Patel,
Village Mardungra,
P.O. Sampa, Tal. Godhra,
Dist. Panchmahal-389001

... Second Party

APPEARANCES:

Shri P. I. Shah for the First Party

Shri B.K. Sharma for the Second party

AWARD

1. The Government of India, Ministry of Labour has referred this Industrial Dispute between the above parties by their order No. L-40012/35/99/IR/(DU) dated 26-7-1999 to this Tribunal for adjudication. The Schedule is as under :

SCHEDULE

"Whether the action of the management of Telecomm. Department is legal and justified in terminating the services of Shri Chandrasingh M. Patel, Godhra. If not, to what relief the workman is entitled ?"

2. A notice was issued to the Second Party to file the Statement of Claim. The Second Party has submitted a statement of claim by Ex. 5. The brief facts are that the Second Party was appointed as labourer in the year 1985 and has worked till 1993. In the year 1993, he was appointed as Motor Driver. In July, 1997, he was orally terminated from the service. During his employment, the First Party and invited applications for the post of Motor Driver and the Second Party applied for the post and his interview was also conducted. Thus, the action of the First Party in terminating the service of Second Party is against the Industrial Disputes Act and Rules of the Department. The retrenchment is against Section 25(F) and Rules 76 of Industrial Disputes Act. No notice for termination was given. Thus, it is prayed that the action of termination of services

of the Second Party be declared as null and void and he may be treated as continuous worker from the date of termination till the finalization of the Reference and he should be awarded all the benefits for the period of termination.

3. A notice was issued to the First Party to file written statement. The First Party has submitted written statement by Ex. 7. The brief facts are that the Court has no jurisdiction. The I.D. Act is not applicable. The Second Party was working as a Daily Wager and on completion of the work, his services are terminated. He has no permanent right. His employment was not as per the Rules. The First Party denied the averments made in para 1 to 6 of the statement of claim. It has also denied the averments of para 7 to 13 of the statement of claim. Earlier he worked from June, 1986, April, 1987 and May, 1987. However, January, 1994, he was taken on contract basis as Daily Wager. After 5-7-1995, he has not performed any duty. Thus, it is prayed that Reference should be rejected with costs.

4. The Second Party has submitted documentary evidence list by Ex. 10 which are Ex. 10/1 to 10/10. By Ex. 8 the Second Party has demanded a production of documents from the First Party. The documents are log-book of Motor Vehicles No. GJ-17-G-69 and GH-17-G-70 from November, 1993 to December, 1997 and Attendacne Register of 1986, 1987 of Casual Labour and Attendance Register of Motor Driver from 1993 to 1997. The documents are in possession of the First Party. However, the First Party replied the application by Ex. 9 and submitted that the case is of very old time for which no record is available at this stage. It is clarified that the vehicle No. GJ-17-G-69 already scraped, so the required report is not available and no Attendance Register for Motor Driver is maintained as no such cadre is working in this office.

5. The First Party has submitted his documentary evidence list by Ex. 13. Ex. 13 /1 is the order of Government of India, Department of Telecommunication dated 12-11-1999.

6. The concerned workman examined himself by Ex. 14 and the Second Party closed his evidence by Ex. 15. The First Party Examined Chhatrasingh Bariya by Ex. 18 and the First Party closed its evidence by Ex. 19.

7. Heard the learned representatives of the parties. Shri B.K. Sharma for the Second Party submitted that the workman has worked for more than 240 days in each calendar year. Not only that, preceding 12 months of the termination, the Second Party workman has worked for more than 240 days. Thus, Section 25(F) of I.D. Act is applicable. No notice or notice pay was given. No compensation was given. Rules 76, 77 and 78 are applicable. Thus, the termination of the Second Party is illegal and improper and bad in law.

8. Heard the learned advocate Shri P. I. Shah on behalf of the First Party. It is submitted by him that the concerned workman was the daily wager. The Reference is in 1999, while the termination is in 1997. Thus, there is a bar of delay and latches. The employment was back-door entry as the concerned workman was not employed as per the rules. By looking Ex. 18, the action of the First Party is legal, proper and just.

9. Looking to the submissions of the parties and looking to the materials on record, the following issues are to be decided for my consideration.

Issues :

(A) Whether the concerned workman proves that he has worked for 240 days preceding 12 months of termination ?

(B) Whether the concerned workman proves that the action of the management of the Telecom Department is illegal and unjust ?

(C) Whether the concerned workman is entitled for the reinstatement with continuity of service?

(D) Whether the concerned workman is entitled for the back-wages from the date of termination till the date of reinstatement ?

(E) What final order ?

10. My answer to the above issues are as under as per the reasons given below :

Answers :

(A) Yes

(B) Yes

(C) Yes

(D) The concerned workman is entitled a lumpsum back-wages of Rs. 20,000 from the date of termination till the date of reinstatement.

(E) As per final order of the Award.

Reasons

11. If we persuse the record submitted by the First Party Annexure-A, the certificate given by the S.D.O. Telegraph, Godhra, in 1994 the concerned workman has worked for 337 days, in 1995 the concerned workman has worked for 363 days, in 1996 the concerned workman has actually worked for 328 days. The document of the First

Party says that the concerned workman has completed more than 240 days in 12 months preceding the date of termination. Thus, the Section 25(F) of I.D. Act is applicable in the present case. If we consider the evidence Exh. 14 and Exh. 18, it is clear that at the time of termination, no notice, notice pay or compensation has been paid to the concerned workman by the First Party. Thus, the termination, is bad in law and that is in violation of Section 25(F) of the I.D. Act. Thus, for the valid retrenchment, it is necessary :

(i) To give one month's notice indicating the reasons for retrenchment or wages in lieu of such notice;

(ii) Payment of compensation equivalent to 15 days average pay for every completed year of continuous service;

(iii) Notice to the appropriate Government in the prescribed manner.

12. In Surendra Kumar Verma *v.* C.G.I.T. cum Labour Court, New Delhi, 1981 (1) LLJ, page 386 SC, it was held that invalid retrenchment must ordinarily lead to reinstatement of the service of the workman and must ordinarily lead to back wages too. Thus, in the present case, if we peruse the documents produced by the Second Party, it is clear that the Second Party was appointed as a Motor Driver and for which post he was interviewed as per Exh. 10/5 and he was called for to submit the original certificate within 10 days by Exh. 10/4. Thus, the appointment of the Second Party is not a back-door entry, hence, the judgment cited by the First Party reported in Amreli Municipality *v.* Gujarat Pradesh Municipal Employees Union, 2004 GHJ page 591 is not applicable in the present case. It is also clear that the Second party was not a daily wager and looking to the log sheets of the driver which are submitted by the Second Party from 23-11-1993 to 31-7-1996, it is clear that the Second Party has worked continuously with the First party as a Motor Driver on a vacant post and for that basis he was selected as per the rules.

13. Thus, the Second Party is entitled for the reinstatement on his post with continuity of service. The date of employment shall be considered when the concerned workman was appointed in November, 1993 as a casual part time driver.

14. As the reference has been delayed by the Second Party and looking to the working of the Second Party, it is clear that the Second Party has not tried for the post else where and he was earning Rs.2,000 to Rs.2,500 from agriculture job. Thus, awarding a full back wages in the present case is not proper, hence, as a lumpsum back wages the Second Party is awarded Rs.20,000 from the date of termination till the date of award but after receipt of the award i.e. 60 days of the award, if he is not taken back in the service, he will be entitled for the full back-wages with all the consequential benefits.

15. Looking to this observation, I hereby pass the following order.

ORDER

The reference is partly allowed. The action of the management of Telecome Department, Godhra in terminating the services of Shri Chandra Singh Madhurbhai Patel, Motor Driver, is illegal, and unjust. The management of Telecom (now General Manager, B.S.N.L., Godhra) is hereby directed to reinstate the concerned workman on his original post with continuity of service. The First Party is also hereby directed to pay Rs. 20,000 (Rupees twenty thousand only) as a lumpsum of back wages but after receipt of the Award, the concerned workman is entitled to full back wages. The First Party is also directed to pay Rs. 1,000 as cost of this reference.

Ahmedabad

Date : 26-12-2006

B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3053.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. डी. ओ. फोन्स, अहमदाबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या सीजीआईटीए- 43/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/226/1994-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3053.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGITA-43/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.D.O. Phones, Ahmedabad and their workman, which was received by the Central Government on 11-7-2006.

[No. L-40012/226/1994-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI B. I. KAZI, B. SC. LL. M., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD.

REFERENCE (C.G.I.T.A.) NO. 43 OF 2004
OLD REFERENCE (I.T.C.) NO. 32 OF 1996.

BETWEEN:

The S.D.O. Phones, (FLB)
Ahmedabad Telephones,
Ramnivas Building, Khanpur,
Ahmedabad-380 001. .... First Party

AND

Shri Ramsahai Ramaghor Rajbhar,
Chandra Bhaga Seva Kamdar,
Juna Wadaj, Ashram Road,
Ahmedabad. ... Second Party

APPEARANCES:

Shri Munshi for the First Party.

Shri V.K. Mashar for the Second party.

AWARD

1. The Government of India, Ministry of Labour has referred this Industrial dispute between the above parties by Order No. L-40012/226/94/IR/(DU) dated 21st November, 1999 to this Tribunal for adjudication. The Schedule is as under :

SCHEDULE

"Whether Shri Ramasahai Ramaghor Rajbhar is justified in raislng an Industrial Dispute over alleged illegal termination after a lapse of seven years and if so, whether the action of the management of SDO, Phones, (FLB), Ahmedabad Telephones, Ramnivas Building, Khanpur, Ahmedabad in terminating the services of Shri Ramasahai Ramaghor Rajbhar on 26-2-1987 is legal and justified? If not, to what relief the concerned workman is entitled to ?"

2. A notice was issued to the Second Party to file the Statement of Claim. By Exh.4 the Second Party has submitted a statement of claim. The brief facts are that he was working with the first party from 1-3-1986 as a. casual labour. He has worked in various exchanges. He was paid daily wage at the rate of Rs.30. The presence was marked in the Muster Roll and Presence Card was given which was taken back by the First Party. The service of the Second Party was terminated on 28-2-1987 without following due process of law. He filed an application before the Central Administrative Tribunal. Thus, it is prayed that the termination of service of the Second Party by an oral order is illegal and improper and he shall be reinstated with full back wages from the date of termination till the termination and to award the cost of the reference.

3. A notice was issued to the First Party to file written statement. By Exh.7 the First Party has submitted written statement. The brief facts are that the reference is misconceived, untenable and it can be dismissed on the ground if delay. It suffers from non-joining of proper parties. The statements contained in the claim are hereby denied. It is untrue that the Second Party was retrenched from 28-2-1987 by an oral order. He has submitted the details of his working for the month of February, 1987. He remained absent thereafter. Thus, there is no question of termination. It is denied that the juniors to the applicant are continued in service. There is no violation of Section 25(F), (h) and (g) of the Industrial Disputes Act. Thus, it is prayed that the reference should be rejected with costs.

4. The Second Party has submitted documentary evidence list by Ex.8 which are marked 8/1 to 8/5.

5. The First Party has submitted his documentary evidence list by Ex.9 which shows the details of the working of the Second Party workman.

6. The Second Party has examined himself by Ex. 11 and the Second Party closed his evidence by Ex. 12. The First Party examined Shri Mahendrabhai Trikambhai Patel by Ex. 18 and the First Party closed its evidence by Ex.21.

7. Heard the learned representatives of the parties. On behalf of the Second Party, Shri V.K. Mashar submitted that the Second Party has worked for more than 240 days from March, 1986 to February, 1987, therefore, Section 25(F) of the Industrial Disputes Act is applicable. In violation of Section 25(F) of I. D. Act, the service of second party was terminated. Thus, he is entitled for the reinstatement with continuity of service along with back wages.

8. Heard the learned representative Shri Munshi on behalf of the First Party. It is submitted by him that by Ex. 20 the First Party has proved that the Second Party has not completed 240 days preceding 12 months of the termination. He has worked for 153 days preceding 12 months of the termination. The detail of the working has been given with the amount of wages paid to him. Prior to this, the Second Party has worked for 76 days from March, 1986 to May, 1986. Thus, he has not worked continuously for 240 days in a calendar year.

9. Looking to the submissions of the parties and looking to the materials on record, the following issues are to be decided for my consideration.

ISSUES:

(A) Whether the concemed workman Shri Ramsahai Ramaghor Rajbhar proves that he has worked for 240 days preceding 12 months from the date of termination?

(B) Whether the action of the management SDO, Phones, (LFB), Ahmedabad Telephones, Ramnivas Building, Khanpur, Ahmedabad in terminating the services of the concerned workman is legal and Just?

(C) Whether the concerned workman is entitled for the reinstatement to his original post with continuity of service?

(D) What order about the back wages?

(E) What final order?

10. My answer to the above issues are as under as per the reasons given below.

ANSWERS:

(A) No.

(B) No.

(C) No.

(D) No order regarding back wages.

(E) As per final order of the Award.

REASONS

11. If we peruse the documents submitted by the First Party, then it is clear that from March, 1986 to May, 1986 the concemed workman has worked for total 71 days. As per the say of the concerned workman, his date of termination is 28-2-1987. Looking to Ex. 20 it is clear that the concerned workman has worked from August, 1986 to January, 1987 and the total days for this period is 153. Thus, there is no proof that the concemed workman has worked in February, 1987. Thus, looking to the preceding 12 months from the date of termination as alleged by the concerned workman i.e. 28-2-1987, if we calculate the working days of the concerned workman, then it comes to 208 days. Thus, it is clear that the concerned workman has not worked for 240 days in a calendar year from the date of termination. However, looking to the evidence of the First Party, he was not employed up to 27-2-1987 but he has worked up to January, 1987 and he was on daily wager. He was paid Rs.30/- as wages per day. Thus, looking to the documentary evidence, it is clear that the Second party has failed to prove that he has worked for more than 240 days in a calendar year preceding 12 months from the date of termination. The parties have submitted their written arguments which I have considered.

12. In the cases of Ganganagar Sugar Mills v. State of Rajasthan and another, reported in 2004(8) SCC 161, and Municipal Corporation, Faridabad v. Shrinivas - 2004 (8) SCC, 195 and M.P. Electricity Board v. Hariram - 2004 (8) SCC, 246, it was held by the Apex Court that the burden of proof lies on the workman to show that he had worked continuously for 240 days preceding one year prior to his alleged retrenchment and it is for the workman to adduce an evidence to do factum of his being in employment of the employer. In the Range Forest Officer v. S.T. Hadimani 2002 (3) SCC page-25 it was held by the Apex Court that filing of affidavit cannot be regarded as sufficient evidence to come to the conclusion that a workman had in fact worked for 240 days in a year. No proof of receipt of salary or wages or acknowledgement for this period was produced by the workman. In Surendranagar Panchayat and another v. Jethabhai Pitambarbhai - 2006 (1) LJ page 268 it was held by the Hon'ble Supreme Court that the claimant has to lead the evidence to show that he had worked for 240 days in a year preceding termination. Thus, looking to the judgement of Mohanlal v. Management of Bharat Electronics Ltd. - 1981 (2) LJ page 70, it is clear that Section 25(F) of the I.D. Act is not applicable in the present case, looking to the admission of the workman that he has not worked for 240 days in a calendar year preceding termination.

13. Thus, the action of the First Party in terminating service of the Second Party is not unjust or illegal. There is no violation of principles of natural justice and Section 25(F) is not applicable in the present case. Thus, the second party is not entitled for the reinstatement with continuity of service on his post. Hence, the Second Party is not entitled for the reinstatement with continuity of service or for the back-wages.

14. Looking to the above observations, I hereby pass the following order.

ORDER

The reference is hereby rejected. The action of the management of SDO, Phones, (LFB), Ahmedabad Telephones, Ramnivas Building, Khanpur, Ahmedabad in terminating the services of Shri Ramsahai Ramaghor Rajbhar, is not unjust or illegal. The concerned workman is not entitled for the reinstatement in service with continuity of service, not only that he is also not entitled for the back wages from the date of termination. No order as to costs.

Ahmedabad

Date : 26-12-2006

B.I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3054.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.डी. ओ. ढोहल्का सब डिवीजन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या सी जी आई टी ए–91/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/120/1997-आईआर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3054.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGITA-91/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.D.O. Dohlka Sub Division and their workman, which was received by the Central Government on 11-7-2006.

[No. L-40012/120/1997-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT : Shri B. I. Kazi (B.Sc., L.L.M) Presiding Officer.

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 91/04.

OLD (I.T.C) No. 51/98

1. Sub-Divisional (T),
   Dohlka Distt.

2. General Manager,
   Ahmedabad Telecom Distt.,
   Ram Nivas Khanpur
   Ahmedabad-1 ...First Party

V/s.

Shri Hasmukh S. Gohil
Ramwada Ambil Falia, Dholka ...Second Party

APPEARANCE :

First Party: Shri R.S. Munshi
Second Party: Niruben Vora.

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-40012/120/97/IR (DU) dated 19-06-1998 to the Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of Sub-Divisional Officer, Dholka Sub Divn., is legal and justified in terminating the services of Sh. Hasmukh S. Gohil w.e.f. 05-08-1989? If not, to what relief the workman is entitled?"

2. A notice was issued to the second party to file a statement of claim. By Ex. 3 the second party has submitted a statement of claim. The brief facts are that he was working as a causal labourer at a Sub Divisional Office, Telephone Department Dholka from 1-12-1983. At different time he has worked up to 1989. He was doing a misc work. He was worked for 240 days in a year with ill intention for non regularize the workman artificial break was shown, though the services was continued. Juniors workmen were made a permanent past record is clear misc. work was of permanent nature. On 07-04-1989, he was gone for a taking a Tiffin for the officer it was fell down. Henced by oral order the services were terminated. The termination is against principle of natural justice and without following due process of law. He filed an application No. 6/1991 before the Central Administrative Tribunal (CAT). It was rejected. A review application was filed the review application was also rejected. The causal employees who were employed in 84-85 have become a permanent and due to victimization and prejudice he was terminated. Thus it is prayed that the order of first party in terminating the services of the second party by oral order dated 07-04-1989 is illegal, arbitrary, and unjust and against the principle of natural justice. Hence he may be reinstated with back wages and with all benefit.

3. The first party has submitted a written statement, by Ex. 6. The brief facts are that the reference is not maintainable and is barred by limitation. With regard to para I of the SC. it is denied that the applicant has worked as a casual labourer continuously from 1-12-1983 to 1989. He was engaged as and when required for specific work and for a specifc period Annexure A is an engagement chart. It is denied that artificial break is given to his service and his juniors are allotted the work. Casual labourer used to be engaged on particular project for specific period. On completion of specific period the service of the casual labourers are terminated. The applicant has never completed 240 days continuous services in any of the year from 1-12-1983. He was not engaged upto 7-4-1989. The story of Tifin seems created by the concerned workman. He was engaged upto 31-1-1989 on specific project. Before RLC, the applicant (Ann. 3) has submitted that he had worked upto 5-7-1989. The contention of para 2 is contridictory. No juniors to applicant is continued in the services. Engagement/Permanent of casual labourer/daily rated Mazdoors and other casual workers are governed by the departmental instructions. No violation of Section 25 F of the Industrial Dispute Act. Thus the applicant is not

entitled to any relief as prayed by him and the reference shall be dismissed with cost.

4. Annexure A is working period *i.e.* days worked by the concerned workman from 1-12-1983 to January 89.

5. The second aprty has submitted a list of documents by Ex. 13. Which is Marked as 13.1 to 13.11. Mark 13.1 is Ex. 17 and Mark 13.2 is Ex. 18. Mark 13.10 is Ex. 19. And mark 13.11 is Ex. 20.

6. The second party has produced a documents with the reply Annexure A. which is working days of the second party. Ex. 10 is letter of 9th January, 1997 of the Regional Labour Commissioner, addressed to the first party regarding Industrial Dispute Act. Ex. 11 is the letter by the second party to the Regional Labour Commissioner. The second party has examined himself by Ex. 8 and the second party closed the oral evidence by Ex. 12. The first party has Examined Shri Mahendrabhai Mankelal by Ex. 22 and Shri Upendra Kumar Natwarlal Parikh by Ex. 23. The first party has closed the oral evidence by Ex. 24.

7. Heard the Ld. Representative of the second party Kum. Niruben Vora. It is submitted by her that list of documents has been submitted by the second party. The termination of the second party is illegal and he has worked from 1-12-1983 to 7-4-1989. The termination was by oral order. The principle of first come last go has not been observed by the first party. Section 25F has not been followed. Thus termination is illegal. She relies on 1998 LLR page 567, 2000 LLR page 340 SC 2001 LLR page 1034 Rajasthan HC 2001 LLR page 460 Delhi HC and 2000 LLR page 486.

8. Heard the Ld. Representative Shri R.S. Munshi. It is submitted by him that the workman has not completed 240 days in a year preceding the termination. Thus Section 25F is not applicable. He was engaged as a casual labour and looking to the documents submitted by the second party, Ex. 17 he has worked upto 31-1-1989. The story of Tiffine is concocted. He approached the Central Administrative Tribunal and application was rejected. On the same fact this reference has been made. He has no completed 240 days in any year. He is not entitled for the reinstatement with continuity of service and back wages. He was a casual labour engaged for the specific purpose and for specific period. After the completion of work his services were terminated. Thus it is prayed that the reference shall be rejected with cost.

9. Looking to the above submissions by the parties and looking to the materials on record the following issues are to be decided for my considerations :

(A) Whether the second party proves that the action of the management in terminating the services of the second party is illegal and unjust ?

(B) Whether the concerned workman proves that he has completed 240 days preceding 12 months of the date of termination?

(C) Whether the concerned workman is entitled for the reinstatement with continuity of service?

(D) Whether the concerned workman is entitled for the back wages from the date of termination till the reinstatement?

(E) What final order ?

My answer the above issues are as under as per reasons given below :

(A) No

(B) No

(C) No

(D) No

(E) As per the final order of the reference.

REASONS

10. If we peruse the documents submitted by the second party. By Ex. 13 it is clear that the first party has given a present record of muster roll of the second party. Looking to this record Ex. 17 and looking to the Ex. 9 it is stated by the second party that the date of termination is 7-4-1989 and not 5-8-1989. If we see the schedule the date of termination is 5-8-1989. If we considered the date of termination as 7-4-1989, then we have to calculate the actual working days of the second party preceding 12 months of 7-4-1989. Ex. 17 clearly shows that the second party has worked preceding 12 months of the date of termination only for 63 days. The total working days of the second party has been given by Ex. 17 from the 1-12-1983 to 31-12-1988. And Annexure A of the W.S. shows the working days up to 31-1-1989. Thus the second party has worked in September 88, 15 days. Oct. 88, 22 days December 88, 13 days and January 89, 13, days. Not only that Ex. 17 shows that, there is no continuous of services of 240 days in any year from joining the services. Thus the second party has failed to prove that he has worked for 240 days in any calendar year or preceding 12 months of the date of termination. It is for the second party to establish that he has worked continuously for 240 days in the preceding one year prior to his alleged termination and it is for the workman to justify by evidence apart from examining himself to prove that fact. This was held by the Hon'ble Supreme Court in Rajasthan State Ganganagar S. Mills Ltd., *v* State of Rajasthan & Another : 2004 III LLJ-832 S.C. and M.P. Electricity Board *V/s.* Harriram 2004 III LLJ-1144. S.C.

11. In Range Forest Officer *V/s.* S.T. Hadimani AIR 2002 SC 1147, It was held it was then for the claimant to lead evidence to show that he had infact worked for 240 days in the year preceding his termination. Filing of an affidavit cannot be regarded as sufficient evidence to come to the conclusion that a workman has in fact worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order of record of appointment or engagement for this period was produced by the workman. In the present case also the workman is failed to prove that he has worked for 240 days in a year preceding the termination by any cogent evidence.

12. Thus the second party is not entitle for the reinstatement to his original post with continuity of service. Not only that the evidence of the first party clearly show that he was a causal labourer and he has worked for a specific period. The date of termination in the terms of reference is 05-08-1989. Not only that the date mentioned by the second party to the Assistant Labour Commissioner is also 05-08-1989. However, the workman by Ex. 9 has given an application that his correct date of termination is 07-04-1989 but it was not corrected in the terms of reference.

13. In State of Himachal Pradesh V/s. Sureshkumar Verma & Others 1996, 1565 the full Bench of the Supreme Court held that appointment of daily wager is not an appointment to post according to rules. Termination of daily wager employees due to coming an end of project. No direction can be given to reengage them in any other work or appoint them against existing vacancy. Thus the second party was daily wager and he cannot calim appointment against existing vacancy.

14. The second party relied in Ajaib Sing V/s. The Sirhind Co-operative Marketing-cum-Proceeding Service Society Ltd. & Another LLR Page-529 S.C. It was held in that case that the relief cannot be denied to workman, merely on the ground of delay Section 25 F is not applicable in the present case because the second party has failed to prove that he has worked to 240 days in a calendar year continuously. The question of reinstatement does not arise. However, the Hon'ble Supreme Court in the Nedungadi Bank Ltd. V/s. K.P. Madhavankutty 2000 LLR 340 held that though no time limit prescribed to exercise power under section 10. Power can not be exercised at any point of time to revive matters which had since been settled. A stale dispute could not be a subject matter of reference for adjudication.

15. Saiyyed Anwar V/s. Divisional Controller MSRTC, Aurangabad & Others is also not applicable int he present case. The second party is not entitled for the reinstatement with continuity of services. He is also not entitled for back wages. In that case, the workman was reinstated and as per the general rule. The back wages must follow the order of reinstatement. In present case as there is no reinstatement. Hence no question of back wages.

16. Jawaharlal Nehru Krishi Vishwa Vidyalaya & Others 2001 LLR page 576 M.P.H.C. is also not applicable in the present case. In that case the retrenchment was invalid. Hence the workman was entitled to continuity of service.

17. Looking to the above discussion the second party is not entitled to reinstatement to his original post with continuity of service. Not only that the seconed party is not entitle for the back wages from the date of termination. He has not completed 240 days of continuous services preceding 12 months of termination. Looking to the above observations I hereby pass the following order:

ORDER

The action of the management of Sub-Divisional Officer, Dholka in terminating the services of Shri Hasmukh S. Gohil w.e.f. 5-08-1989/07-04-1989 is just and legal. The workman is not entitled for the reinstatement with continuity of services. He is also not entitled for the back wages from the date of termination. The reference is hereby rejected. No order as to cost.

B.I. KAZI, Presiding Officer

Ahmedabad.
Date: 06-03-2006

नई दिल्ली, 11 जुलाई, 2006

का.आ. 3055.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टर जनरल ऑफ पोस्ट ऑफिसेस, नई दिल्ली के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या सी जी आई टी ए–12/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-06 को प्राप्त हुआ था।

[सं. एल-40011/1/1992-आईआर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3055.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGITA-12/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Director General of Post Offices, New Delhi and their workman, which was received by the Central Government on 11-07-2006.

[No. L-40011/1/92-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD.

PRESENT. Shri B. I. Kazi (B.Sc., L.L.M) Presiding Officer.

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A. No. 12/04)

OLD (I.T.C) No. 7/1993

1. The Director General,
Post Office, New Delhi-110001.

2. The Chief Post Master General,
Gujarat Circle, Navrangpura,
Ahmedabad.

3. The Chief Post Master General,
Post Office Ahmedabad.

...First Party

V/s

The Joint Divisional Secretary,
Jamnagar Jhilla Mazdoor Sangh,
C/o 290/E, Sarvottam Near Railway Colony,
Sabarmati, Ahmedabad.

... Second Party

APPEARANCE:

First Party : Shri R. S. Munshy
Second Party : Shri B. K. Sharma.

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-40011/01/92/IRDV dated 28/02/1992 to this Tribunal for adjudication. The terms of reference is as under:

SCHEDULE

"Whether the action of Director General of Post Offices, New Delhi through its officers, in terminating the services of Shir Jayantibhai M. Parmar, Shri Purshottan D. Vankar, Mohanlal S. Makwana and Kum. Sharadaben Z. Parmar w.e.f. 29-6-1991 is legal and justified? If not, to what relief the concerned workmen are entiled to ?"

2. A notice was issued to the second party to file a statement of claim. By Ex. 2 the second party has submitted a statement of claim. The brief facts are that the concerned workmen were sponsored by the Employment Exchange for appointment in Post & Telegraph Department. They were engaged outsider postman (Casual Gr. D) in 1989 and have continuously worked upto 1991.The details of the working are given in para 2. They have worked for more than 240 days, before the termination. The termination was without issuing any notice or compensation under section 25F of the Industrial Disputes Act. The termination is illegal. No seniority list was placed on the notice board as per rule 77 of the ID Act. The copy of the failurre report submitted by the Asstt. Labour Commissioner (Central) is enclosed as Annexure-A. Thus the concerned workman prayed that verbal termination order be declared as null and void. The parties be treated as if on duty for all purposes from the date of termination. They shall be paid full back wages and other benefit including regularization of the job and the cost of reference.

3. A notice was issued to the second party to file the written statement. However, parawise comments were submitted by Chief Post Master, Ahmedabad. By Ex. 6 the brief facts are that the concerned workmen were directed by Employment Exchange for temporary arrangement of Postman at Ahmedabad GPO.They were engaged in short gap arrangement as and when arise due to leave or any sudden absentism of permanent employees. They have not continuously worked. When there was no work they were relieved from their duty. Seniority list is to be prepared for regular employees. ID Act are not applicable to the postal department. Thus they are not entitled for any relief. However, reply was filed by the first party by Ex. 22. The brief facts are that reference is encompetent, misconceived and legally not tenable. Hence deserves to be dismissed. The first party does not admit statement of claim, however, facts stated in parawise remarks include in reply also. Thus it is prayed that the reference shall be rejected with cost.

4. By Ex. 20 the second party has submitted a list of documents regarding the wages paid to the concerned workmen and a letter of the appointment for recruitment of postman. The docuemts are Xerox copy being a voucher of the payment to the concerned workmen.

5. The first party has not produced any document in the reference.

6. The second party examined Shri Jayantibhai M.Parmar by Ex. 9. However, no cross-examination has been done by the first party. The second party has closed the oral evidence by Ex. 28. The first party has examined Shri Dhnanjay R. Shagol and by Ex. 33 the first party closed the oral evidence.

7. Heard the Ld. representative Shri B.K.Sharma on behalf of the second party. It is submitted that the details of working days of the concerned workmen are given in para 2 and 4 of S.C. The documents are also produced. Thus it is clear that before the termination, they have completed 240 days preceding 12 months. Thus looking to this the sections 25 B, F & G is applicable in the present case. Rules 76 and 77 are mandatory. Thus violation of section 25 F is there and they are workmen. Hence they are entitled for the reinstatement with continuity of service on the post with the back wages.

8. Heard the Ld. representative Shri R.S.Munshi on behalf of the first party. It is submitted that the concerned workmen were engaged as stop gap arrangement. They have not completed 240 days. Thus they are not entitled for the reinstatement on their posts with continuity of service and back wages.

8A. Looking to the submissions by the parties and looking to the materials on record. The following issues are to be decided for my considerations in the present case:

(A) Whether the concerned workmen Shri Jayantibhai M. Parmar, Shri Purshottan D. Vankar , Mohanlal S. Makwana and Kum. Sharadaben Z. Parmar prove that they have worked 240 days preceding 12 months of the termination w.e.f. 29-06-1991.?

(B) Whether the second party prove that the action of the Director General of Post Offices New

Delhi through its officers in terminating the services of the concerned workmen Shri Jayantibhai M.Parmar, Shri Purshottan D. Vankar, Mohanlal S. Makwana and Kum. Sharadaben Z. Parmar w.e.f. 29-06-1991 is is illegal and unjust.?

(C) Whether the concerned workmen Shri Jayantibhai M.Parmar, Shir Purshottan D. Vankar, Mohanlal Makwana S. and Kum. Sharadaben Z. Parmar are entitled for the post on which they are working prior to the termination with continuity of services.?

(D) What order about the back wages.?

(E) What final order.?

My answer to the above issues are as under as per reasons given below:

(A) Yes

(B) Yes.

(C) They are entitled for the reinstatement on the post, with continuity of services.

(D) As they have worked for short period and the reference is very old. A lump sum amount 5,000 is to be given to each workmen as the back wages.

(E) As per the final order of the award.

REASONS

9. If we peruse the documents submitted by the second party it is clear that the concerned workmen Shri Jayantibhai M.Parmar, Shir Purshottan D. Vankar, Mohanlal S. Makwana and Kum. Sharadaben Z. Parmar have worked for more than 240 days in 12 months preceding the date of termination i.e. 29-06-01. The Xerox copy vouchers presented by the concerned workmen clearly proves the fact and the vouchers belong to the Post & Telegraphs Department. This fact has not been negatived or contradicted by the first party by the cogent evidence. Thus looking to this fact it is clear that the first party has terminated the services of the concerned workmen Shri Jayantibhai M.Parmar, Shir Purshottan D. Vankar, Mohanlal S. Makwana and Kum. Sharadaben Z. Parmar in violation of section 25 F of the Industrial Dispute Act.

10. It is submitted by the first party that I.D. Act is not applicable to the first party. Looking to the judgement of the Hon'ble Apex Court, Shri Nivasan Rao's case it is clear that I.D. Act is applicable to the first party. It is also clear that before the termination of the concerned workmen the first party has not issued any notice and did not pay a compensation to the concerned workmen before the retrenchment. Thus there is a violation of mandatory provisions of section 25 F of the Industrial Dispute Act. Hence the concerned workmen are entitled to the post which they are working prior to their termination. The first party fail to prove that their appointment was for fixed period and it is a case under the ambit of section 2(00) (bb). The first party has also not proved that the concerned workmen were engaged on causal basis or for stop gap arrangement and when vacancy arose due to leave of permanent employees. If we peruse the evidence by the first party Ex. 31 it is submitted by the witnesses of the first party that the concerned workmen were employed through the employment exchange. However, the first party has not proved that they were employed on leave of the permanent employees.

11. Looking to section 25 F, 3 condition are to be fulfilled by an employer for effecting a valid retrenchment, namely :

(i) One month's notice in writing indicating the reasons for retrenchment or wages in lieu of such notice;

(ii) Payment of compensation equivalent to fifteen days, average pay for every completed year of continuous service or any part thereof in excess of six months;

(iii) Notice to the appropriate Government in the prescribed manner;

Thus it mandatory duty on the employer which is a condition precedent to retrenchment of a workmen.

12. In Surendra Kumar Verma V/s. Central Government Industrial Tribunal-cum-Labour Court New Delhi 1981 I LLG. Page 386 S.C. It was held that invalid retrenchment must ordinarily lead to the reinstatement of the services of the workmen. It must ordinarily lead to back wages too. Thus in the present case the concerned workmen are entitled for the reinstatement on the post of which they are working. But as they have actual not worked after the termination and worked for shorter period. It is improper to award back wages from the date of termination, till the reinstatement. But a lump sum amount for the back wages shall be awarded to each concerned workmen, amounting to Rs. 5,000/-.

13. Thus looking to the above observations I hereby pass the following order :

ORDER

The reference is partly allowed. The action of the Director General of Post Offices, New Delhi, through its officers in terminating the services of S/Shri Jayantibhai M.Parmar, Shir Purshottan D. Vankar, Mohanlal S. Makwana and Kum. Sharadaben Z. Parmar w.e.f. 29/06/91 is illegal and unjust. The concerned workmen are entitled for the reinstatement on the post of which they are working with continuity of services. Regarding the back wages, the concerned workmen shall be paid 5,000/- each by the first party, within 60 days from the receipt of this award. It is also directed that the first party shall pay Rs. 500/- as a cost of this reference to each workmen.

Date :29-09-05

Place: Ahmedabad.

B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3056.—औद्योगिक [illegible]) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस डी ओ [illegible] के संबद्ध नियोजकों [illegible] औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक [illegible] संलग्न [illegible]

[illegible]

[illegible] Delhi [illegible]

S.O. 3056.—In pursuance of Section [illegible] the Industrial Disputes Act, 1947 (14 of 1947), the [illegible] Government hereby publishes the Award (Ref. [illegible] 12/18/03) of the Central Government Industrial [illegible] Labour Court, Ahmedabad as shown in the Annexure [illegible] Industrial Dispute [illegible] the management of [illegible] which [illegible]

[illegible]

[illegible]

BEFORE THE [illegible] INDUSTRIAL [illegible] Ahmedabad

[illegible]

SHRI B. I. KAZI (B. Sc., LL.M.) Presiding [illegible]

INDUSTRIAL DISPUTE REFERENCE [illegible] 12/2003

CGIT-(L.C.) (R) No. 09/2003

The Sub Divisional [illegible]
BSNL
Jamnagar [illegible]
Jamnagar

Vs.

The President
Maha Gujarat General Workers Union,
Hathi Khana Road,
Ahmedabad-[illegible]

[illegible]

[illegible] Shri [illegible]

Second Party : Shri L. C. [illegible]

AWARD

[illegible] Government of India has referred the Industrial Dispute between the above parties by order [illegible] dated 10-02-2003 to this [illegible] Reference is as follows:

[illegible]

"[illegible] Divisional Telecom. [illegible] termination the service of Sh. Dinesh Ramji [illegible] 2003 is legal and [illegible] relief the concerned [illegible] which date ?"

[illegible] parties to file their [illegible] has filed the statement of claim [illegible] the second party has filed the written statement by [illegible] opportunity was given by this [illegible] the second party. The second [illegible] Thus this Tribunal has reason [illegible] party is not interested in the [illegible] failed to prove this [illegible]

[illegible] I hereby pass [illegible]

AWARD

[illegible] Divisional Telecom. Una [illegible] of Sh. Dinesh Ramji Jethva, Driver [illegible] is legal and just. The concerned workman [illegible] any relief. The reference is hereby [illegible] section. No order as to cost.

[illegible] B. I. KAZI, Presiding Officer
Ahmedabad

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3057.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस डी ओ [illegible] जामनगर/डी डी ए, जामनगर के प्रबंधतंत्र के संबद्ध नियोजकों [illegible] के कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के [illegible] संलग्न [illegible] (आई टी ए- 1024/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को [illegible] 7-2006 को प्राप्त हुआ था।

[illegible] 40012/150/1993-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3057.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGITA-[illegible]) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure

in the Industrial Dispute between the employers in relation to the management of SDP Phones, Jamnagar/TDE, Jamnagar and their workman, which was received by the Central Government on 11-07-2006.

[No. L-40012/190/1993-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

SHRI B. I. KAZI (B. Sc., L.L. M), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE (C.G.I.T.A.) No. 1024/2004

OLD (I.T.C.) No. 41/1996

The Dist. Engineer,
Telegraph, Indian Post & Telegraphs Department,
Jamnagar.

The Sub-Divisional Officer,
Indian Post & Telegraphs Department,
Jamnagar ... First Party

V/s.

The President,
Saurashtra Employee's Union,
Eaba Ama' 10/5 Junction Plot,
Swami Tahiliaram Marg,
Rajkot ... Second Party

APPEARANCE

First Party : Absent

Second Party : Shri R. B. Gogia

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-40012/190/1993-IR (DU) dated 26-08-1996 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of Sub-Divisional officer (Phones), Jamnagar/Telecom Dist. Engineer, Jamnagar in terminating the services of Shri M. D. Jehangir is proper, legal and Justified ? If not to what relief the concerned workman is entitled to ?"

2. The second party was issued a notice to file a statement of claim by this Tribunal on 23-12-1996. The second party has submitted an authority to represent the second party. By Ex. 5, the second party submitted an application to withdraw the reference and it was stated that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the facts of Ex. 5 the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following order :

ORDER

Application Ex. 5 is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed of. No order as to cost.

Date 04-11-2005 B. I. KAZI, Presiding Officer
Ahmedabad.

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3058.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या सी जी आई टी ए-1091/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/4/1998-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3058.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGITA-1091/2004) of the Central Government Industrial Tribunal cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 11-07-2006.

[No. L-40012/4/1998-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

SHRI B. I. KAZI (B. Sc., L.L. M), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 1091/2004

OLD (I.T.C.) No. 21/1998

The Telecom District Manager.
Telecom Department,
Surendranagar-363001 ....First Party

V/s.

The President,
Saurashtra Employees Union,
Umesh Commercial Complex,
2nd Floor Office No. 213 & 214
Near Chaudhary High School.
Rajkot-36001 ....Second Party

APPEARANCE

First Party : (Absent)

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-40012/4/1998-IR (M) dated 09-03-1998 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the Telecom District Manager, Telecom Dept., Surendranagar in terminating the services of Shri Samserali Abdul Bharakat causal labour w.e.f. 29-10-1989 is legal and justified ? If not to what relief the workman is entitled to ?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 13-04-1998. The date to file the statement of claim was 10-04-1998. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 7 years and 7 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the Telecom District Manager, Telecom Dept., Surendranagar in terminating the services of Shri Samserali Abdul Bharakat, casual labour w.e.f. 29-10-1989 is legal and justified. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 16-11-2005 B. I. KAZI, Presiding Officer
Ahmedabad.

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3059.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑल इंडिया रेडियो, राजकोट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या सी जी आई टी ए-1000/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-42012/107/1995-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 11th July, 2006

S.O. 3059.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGITA-1000/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of All India Radio, Rajkot and their workman, which was received by the Central Government on 11-07-2006.

[No. L-42012/107/1995-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

SHRI B. I. KAZI (B. Sc., L.L. M), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A. No. 1000/2004)

OLD (I.T.C.) No. 03/1996

1. The Chief Engineer (W.Z)
AIR & Doordarshan,
101 M. K. Road, Old CGO Bldg.,
Bombay-400020.

2. The Suptd. Engineer,
AIR Govt. of India,
Opp-Race Course, Rajkot ....First Party

V/s.

The President,
Saurashtra Employees Union,
Umesh Commercial Complex,
R. No. 213 & 214, II Floor,
Near, Chaudhary High School,
Rajkot ....Second Party

APPEARANCE

First Party : Shri B. B. Gogia,
Shri Hitesh Katharotiya

Second Party : Ms. B. R. Rajput.

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-42012/107/1995-IR (D) dated 27-12-1995 to the Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the Supdt. Engineer, All India Radio, Rajkot in terminating the services of Sh. Nitinkumar R. Begtharia, Engineering Assistant after having worked from March 90 to 28th November 1991, w.e.f. 28th November 1991 by giving reason that he was appointed on one of the reserved vacancy of Scheduled Tribe Community, valid just and legal ? If not, to what benefits the workman is entitled and what directions are necessary in the matter ?"

2. A notice was issued to the second party to file a statement of claim. The second party by Ex. 2 filed a statement of claim. The brief facts are that the advertisement from Central Employment Exchange, New Delhi on 20-5-89 calling for application from eligible candidates for filling up the post of engineer assistant for All India Radio (W.S.) Western Zone. The workman applied for the said post. Accordingly he was called for interview. The applicant appeared for the written test as well as viva-voce. He was selected for one of the said post of engineer assistant. He was posted under respondent No. 2, All India Radio Rajkot vide order No. Raj-1(1) 90-S dated 15-03-90. The applicant had also submitted all the required certificates and bio-data in format as he found eligible after interview and selected and appointed. Thereafter he was nominated to undergo course for engineering assistant from 06-05-1991 to 31-05-1991 and passed it successful. All of sudden vide memo No. RAJ—(NRB/91-S) dated 26-11-91 issued by respondent No. 2 office was called for to produce certificate of schedule tribe (hereinafter referred to as "ST"). Though he was selected and appointed on the vacancy of general category. Accordingly the workman produced all the certificates to the respondent No. 2. Which he has already submitted at the time of interview and appointment. But without considering the fact, Respondent No. 2 terminated the service of the applicant on 28-11-91 vide this office order No. RAJ-21 (NRB)/91-S dated 27-11-91 which is unjust, arbitrary, illegal and without application of mind. Reasons given in the termination order are wrong and not acceptable. Termination is illegal and void and as inquiry as contemplated under article 311 of the Constitution of India has not been held. The termination is with stigma and inquiry is necessary. Thus the removal from services is against the principle of natural justice and against the provision of article 311(2) of the constitution of India. It is also submitted that no opportunity of hearing or inquiry is made prior to termination of services. No notice/notice pay is given to the workman before the terminating the services. Junior Engineering Assistant are continued in services which is in violation of article 14, 16 and Section 25 G of the Industrial Dispute Act. No inquiry in consonance with principle of natural justice was held. Applicant was not afforded and opportunity of defending his case. The termination is by way of punishment and no procedure was followed though it is a major penalty. The workman is not appointed on reserved vacancy of the ST. Backward class certificate was submitted at the time of appointment and it found in order. He was called for interview and appointment was given. Nothing was hided from department and termination is in violation of Section 25 F. The workman is unemployed since long time. Thus it is prayed that the reference may please be allowed with cost and termination may please be quashed and he may please be treated as continue in service for all purposes with full back wages.

3. A notice was issued to the first party to file the written statement. The first party No. 2 has submitted the written reply by Ex. 20. The brief facts are that the application is misconceived untenable and required to be rejected. Unless specifically stated no part to the application are admitted by the repondent. All the averment made in the statement are denied, unless specifically admitted. The applicant was not called for the interview or viva-voce test by the Assistant Director, (Engineering) office of the Chief Engineer (WZ), All India Radio, New Delhi. Shri Bagtharia has appeared in the written test and he declared his caste as ST on the answer sheet. On the basis of written test, in which he got 26 marks, he did not qualify for selection under general category. However, as he had applied under ST category, he could be selected for the appointment as qualified marks was relaxed 21% for ST candidate. Attestation form was sent to the candidate by the Recruiting Authority vide their letter dated 31-07-89. And instruction include 'incorrect entry will disqualify candidate'. In the attestation form also in column No. 9 (b). The applicant declared that he is a member of ST category. Thus furnishing of false information or suppression of any factual information is disqualification and candidate renders himself unfit for employment under Government. The nomination of the applicant for the post of engineering assistant was mainly based on his declaration that he is a member of ST. Thus after receipt of the nomination the appointment dated 15-03-1990 was issued by the respondent No. 2 and the applicant joined his service on 23-03-1990. It was noticed by the station that the applicant had declared in the attestation form that he is a member of ST, but not submitted any proof in the prescribed form. Reference was made to the recruiting authority. The recruiting authority confirmed that the applicant was

selected for the post of Engineer Assistant as a ST candidate only. His case can not be considered against any other category vide letter dated 22-11-1991. Applicant was given an opportunity to submit a proof of his declaration that he is a member of ST vide memo dated 26-11-1991. In reply the applicant submitted that he does not belong to ST community. This proves that the declaration made by the applicant submitted on the answer sheet and in the attestation form is completely wrong and false. The services of the applicant were terminated w.e.f. 28-11-1991 vide order No. Raj-21(NRB) 91-S dated 27-11-1991. The applicant misrepresented his caste to obtain employment through unfair means. Thus he had deprived one ST candidate from getting employment. The applicant has not completed probation for two years hence notice is not required to be given. The action of the respondent No. 2 is just & valid. The opportunity was given to the applicant to submit caste proof in support of his declaration. The applicant having given false information of the material fact does not deserve to be served with notice. Due to this service were terminated therefore inquiry is not necessary. It is untrue that the applicant was not appointed against the reserve vacancy. The post was reserved for ST category. Submission of backward class candidate is not valid. In the appointment letter the category of caste is not shown. Thus the application is totally misconceived and untenable. The workman is not entitled for any relief as prayed for in the application. Thus reference shall be rejected with cost.

4. The second party has submitted a list of documents by Ex. 5. Mark 5.1 a Xerox copy of advertisement dated 20-05-1988. Mark 5.2 a Xerox copy of order dated 15-03-1990 along with interview call letters dated 04-05-1989 and 31-07-1989. Mark 5.3 Xerox copy of letter dated 26-11-1991. Issued by respondent No. 2 dated 27-11-1991 and reply submitted by the workman on 27-11-1991. Mark 5.4 Xerox copy of reply received from Assistant Labour Commissioner (Central) dated 28-03-1994.

5. The first party has submitted a list of documents by Ex. 21. Mark 21.1 the application form of the second party dated 14-09-1989 Xerox copy. Mark 21.2 Xerox copy of appointment letter dated 14-11-1991. Mark 21.3 is a letter Chief Engineer Mumbai dated 22-11-1991. Mark 21.4 the Memo given to the second party dated 26-11-1991. Mark 21.5 is information letter given to the second party dated 27-11-1991. Mark 21.6 is the advertisement in Employment News dated 20-05-1998.

6. By Ex. 33 the first party has submitted further documents. Mark 33.1 Attestation form of the applicant dated 14-08-1989. Mark 33.2 Certificate dated 07-08-1989. Mark 33.3 Merit list to the second party dated 11-12-1989. All the documents are Xerox copy.

7. An oral evidence was recorded of the second party workman by Ex. 15. By Ex. 18 the second party closed the oral evidence. By Ex. 32 the first party has examined Bachubhai Ramjibhai Patel. By Ex. 34 the first party has closed the oral evidence.

8. A written arguments has submitted by the second party and it was taken on record.

9. The first party has submitted an oral arguments.

10. Looking to the submissions and looking to the materials on record the following issues are to be decided for my considerations :

(A) Whether the action of the Supdt. Engineer, All India Radio, Rajket in terminating the services of Sh. Nitinkumar R. Begtharia, w.e.f. 28th November, 1991 is valid just and legal ?

(B) Whether the second party is entitled for the reinstatement to his original post with continuity of services ?

(C) Whether the second party is entitled for the back wages from the date of termination till the date of reinstatement ?

(D) What final order ?

My answer to the above issues are as under as per reasons given below :

(A) Yes

(B) No

(C) No

(D) As per the final order of the reference

REASONS

11. If we peruse the documents submitted by the first party an attestation form of the second party in entry No. 9 (b) it was mentioned, are you member of a SC/ST 'tick the appropriate' and answer was yes. Thus it is clear that in the attestation form the concerned workman has shown that he belongs to ST. Looking to the warning given by the first party in attestation form. It was clear that to furnish the false information or suppression of any factual information in the attestation form would be disqualification and is likely to render the candidate unfit for employment. In warning No. 3 it is a clearly stated that if the false information has been furnished or that there has been suppression of any factual information in the attestation form, which comes to notice at any time during the service of a person his services would be liable to be terminated. Thus looking to this fact and looking to the answer given by the concerned workman on 27-11-1991, in reply memo dated 26-11-1991. It is clear that the concerned workman does not belong to ST but, he belongs to Socially and Backward Class. Thus it proves that the concerned workman has suppressed the factual information with intent in the attestation form and looking to the warning No. 3, his services is to be terminated for this act only.

12. As per Ex. 28, Director (Engineering) for Chief Engineer (WZ) wrote a letter dated 22-11-1991 to the Superintending Engineer regarding the appointment of Shri N. R. Bagtharia which was in reference to Supdt. Engineer letter dated 14-11-1991. Now looking to the Central Employment Exchange advertisements in Employment News Saturday 20, May 1989. The post was engineering assistant. In advertisement there were 75 ST posts. Shri Bagtharia secured 26 marks, he was not qualified for the appointment under OBC category or general category. As the maximum marks required for categories are 58 marks. Thus the appointment of Shri N. R. Bagtharia was on ST quota. It was purely *ad hoc* and provisional basis. The appointment letter dated 15-03-1990 is Mark 5.2. If we peruse the appointment order then in column the production of original certificate are required. Thus a certificate in the prescribed form in support of candidates claims to belong to a Scheduled Caste or Scheduled Tribe Anglo Indian community is necessary. Thus it was conditional appointment as he has claimed that he is a member of ST. Thus it is necessary to produce the certificate and to prove that he actually belongs to ST. As per attestation form, he submitted that he belongs to ST. Now looking to Mark 5.2 to the appointment letter it is further stated that if any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information he will be liable to removal from his services and such other action as Government may deem necessary. Thus it was clear to the second party that for false declaration or information he is liable to be removed from services.

13. Looking to the office order dated 27-11-1991 of the Supdt. Engineer. It is clear that Shri N. R. Bagtharia misrepresented his caste to obtain employment and his services were terminated w.e.f. 28th November, 1991 after scrutiny and explanation regarding his caste. Thus it is clear that opportunity was given to the second party before his termination.

14. The termination is not under section 25 F of the Industrial Disputes Act, but it is under rule of Govt. of India. Hence in the case of second party section 25F of the Industrial Dispute Act, is not applicable. Not only that he is not governed by the Industrial Dispute Act but is governed by the rules applicable to the Central Government Employees. For the posting of ST candidates roster register is maintained by the first party. The vacancy was for the ST candidate and the second party has applied as a member of ST. He was appointed in that category only. Thus there is no need of departmental inquiry as there is an admission of guilt by the second party that he does not belong to ST. As section 25 F, G are not applicable in this case. If the Junior are retained by the first party. The second party is not entitled for the reinstatement on his origjnal post with continuity of services. Not only that he was on probation period of 2 years and during the probation the suppression of fact was deducted by the first party. Now looking to the evidence Ex. 32 it is clear that the second party has suppressed the fact that though being of economic backward class, he represented himself as a member of ST and on that basis only, He has got the employment.

15. If we peruse the cross-examination of the second party by Ex. 15. The second party is submitted that he has not a workman under the Industrial Dispute Act. Now looking to this admission also this Tribunal has not jurisdiction to entertain this reference. The forum available to the second party is to approach, the Central Administrative Tribunal (C. A. T.).

16. As Section 25 F is not applicable. There is no need to give notice/notice pay. There is an admission of guilt by the second party hence there is no need of inquiry prior to the termination of the services of the second party. Section 25 G is also not applicable in the present case. The second party was given an opportunity to defend himself by issuing a memo and second party replied the memo given by the first party and admitted that he does not belong to ST category. It is not accepted that the second party was not appointed on the vacancy of ST category. No material record has been produced by the second party to show that he has not been appointed on the reserve category. The second party has submitted false informations. Now looking to the attestation form of the second party it is clear that he has suppressed material fact and presented himself as a member of ST though he does not belong to ST. All India Radio V/s. Santoshkumar reported in AIR 1998 SC p-941 is not applicable in the present case. The second party is not a workman but he was appointed on the post of engineer assistant. Thus engineer assistant is not a workman. S. K. Yadav V/s. M/s. J. M. A. Industries Limited, reported SLR 1993 (4) P-126 is not applicable in the present case, because Industrial Dispute Act, is not applicable to the second party Section 25 F is also not applicable in the present case.

17. Looking to the arguments of first party it is clear that the second party has suppressed material fact in the attestation form. Looking to the warning and rules it is not necessary to hold departmental inquiry when there is an admission of guilt by the second party. He has submitted on 27-11-91 in reply of memo dated 26-11-1991 that he does not belong to ST community, but he belongs to Socially and Educationally Backward.

18. In Bank of India & another, V/s. Avinash D, Mandivikar, and others, 2005 S.C. page No. 4164. It was held by the Hon'ble Supreme Court that the Termination of service—Bank employee—Appointment obtained by producing false caste certificate—Report about falsity of caste certificate obtained ten years after appointment—Mere delayed reference to caste scrutiny committee when foundation for same is fraud does not invalidate reference—

Order of termination of service proper—Order of High Court denying promotion to employee but directing his reinstatement in original post held by him—Liable to be set aside—Long years of service put—No ground to protect employees service.

19. Thus in the present case also the appointment was obtained by false information and by hiding the fact. Now looking to this judgement the second party is not entitled to reinstatement on his original post with continuity of services. Not only that after 10 years of services, the services of the workman was terminated. But in the present case the second party was on probation and during probation the first party deduced the false information. Hence termination of second party is just and legal.

20. In the present case the appointment was provisional and he was on probation subject to the verification of the caste certificate. In that case also the employee obtained appointment in the services on the basis that he belongs to ST. The scrutiny committee found that he does not belong to ST. It was held by the Hon'ble Supreme Court that the very foundation of appointment collapses and his appointment is not appointment in the eyes of law. There is absolutely no justification for his claim in respect of post of assistant engineer as reserve candidate. Even the plea of long years of services was rejected. Thus in the present case the second party has applied a fraud by showing that he belongs to ST. Thus no sympathy and equitable consideration can come to his rescue as per the decision of the Hon'ble Apex Court.

Looking to the above observation I hereby pass the following order :

ORDER

The action of the Supdt. Engineer, All India Radio, Rajkot in terminating the services of Sh. Nitinkumar R. Begtharia, Engineering Assistant w.e.f. 28 November, 1991 is valid, just and legal. The second party is not entitled to get any relief. The second party being an employee of the Government at the time of termination is not a workman under the Industrial Disputes Act. The reference is hereby rejected. No order as to cost.

Dated : 13-02-2006 B. I. KAZI, Presiding Officer
Ahmedabad

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3060.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 1055/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/124/1995-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 11th July, 2006

S.O. 3060.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1055/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 10-7-2006.

[No. L-12012/124/1995-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B.Sc., LL.M.), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 1055/04

OLD (I. T. C.) No. 27/1997

The Manager,
Union Bank of India,
Head Office Nariman Point,
Bombay. ... First Party

Vs.

President Saurashtra Employees Union,
Umesh Commercial Complex,
213 and 214, Near Chaudhray High School,
Rajkot. ... Second Party

APPEARANCE :

First Party : Shri C. M. Shah

Second Party : Shri B. B. Gogia

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/124/95-IR (B-II) dated 30-4-1996 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of Union Bank of India, Rajkot in terminating the services of Smt. Halimaben Suleman Kukad, Peon w.e.f. 20-4-1993 is legal and justified ? If not, to what relief is the said workman entitled ?

2. The second party was issued a notice to file a statement of claim by this Tribunal on 9-9-1997. The second

party has submitted an authority to represent the second party. By Ex. 5, the second party submitted an application to withdraw the reference and it was stated that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the facts of Ex. 5 the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following order :

ORDER

Application Ex. 5 is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed of. No order as to cost.

Dated : 7-11-05
Ahmedabad **B. I. KAZI, Presiding Officer**

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3061.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 809/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/21/2003-आई आर (बी-II)]
सी. गंगाधरन, अवर सचिव

New Delhi, the 11th July, 2006

S.O. 3061.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 809/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda, and their workman, which was received by the Central Government on 10-7-2006.

[No. L-12012/21/2003-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL-TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B.Sc., LL.M.), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 809/04

OLD (I. T. C.) No. 21/2003

The Regional Manager,
Bank of Baroda,
Industrial Estate Branch,
Old H. No. 8,
Bharuch-392002. ... First Party

Vs.

Shri Grishchandra C. Chauhan,
Chunawad, Opp. Tarabai Malji School,
Juna Bazar,
Bharuch (Gujarat). ... Second Party

APPEARANCE :

First Party : Shri Mahesh K. Thakar,

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/21/2003-IR (B-II) dated 9-6-2003 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether Shri Girishchandra Chunilal Chauhan has put in continuous service in the bank as per provisions of Section 25-B of the Industrial Disputes Act ? If so, whether the action of the management of Bank of Baroda, Bharuch through its officer in discontinuing/terminating the services of the workman Shri Grishchandra Chunilal Chauhan w.e.f. 4-10-2001 is legal, proper and justified ? If not, what relief the concerned workman is entitled to and from which date and what other directions are necessary in the matter ?

2. The second party was issued a notice to file a statement of claim by this Tribunal on 2-8-2003. The date to file the statement of claim was 25-9-2003. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 3 years 5 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workmen failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the management of Bank of Baroda, Bharuch through its officer in discontinuing/terminating

the services of the workman Shri Grishchandra Chunilal Chauhan w.e.f. 4-10-2001 is legal, proper and just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 22-2-06
Ahmedabad. B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3062.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 487/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/205/2001-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 11th July, 2006

S.O. 3062.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 487/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of India, and their workman, which was received by the Central Government on 10-7-2006.

[No. L-12012/205/2001-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT :

Shri B. I. Kazi (B.Sc., L.L.M.), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 487/04

OLD (I. T. C.) No. 37/2002

The Zonal Manager,
Bank of India,
Zonal Office, Bhadra,
Ahmedabad-380001. ... First Party

Vs.

Shri Anupsingh Shivsingh Sisodia,
38, Bank of India, Sub Staff Quarters,
Near Malav Talav, Jivraj Park,
Ahmedabad (Gujarat)-380001. ... Second Party

APPEARANCE :

First Party : Shri P. S. Chari

Second Party : Shri S. B. Chaudhry

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/205/2001-IR (B-I) dated 22-4-2002 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of Bank of India, Zonal office, Ahmedabad in dismissing the service of Shri Anupsingh Shivsingh Sisodia Sub-Staff Ellisbridge Branch w.e.f. 15-12-2000 is legal, proportionate to the fault and justified ? If not, then to what relief the concerned employee is entitled and from which date ?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 8-7-2002. The date to file the statement of claim was 20-8-2002. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 3 years from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of Bank of India, Zonal office, Ahmedabad in dismissing the service of Shri Anupsingh Shivsingh Sisodia Sub-Staff Ellisbridge Branch w.e.f. 15-12-2000 is legal, proportionate to the fault and just. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 19-10-05
Ahmedabad. B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3063.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 1064/04)

को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/263/1996-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 11th July, 2006

S.O. 3063.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1064/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Union Bank of India and their workman, which was received by the Central Government on 10-7-2006.

[No. L-12012/263/1996-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. Kazi (B.Sc., L.L.M.), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 1064/04

OLD (I. T. C.) No. 38/1997

The Branch Manager,
Union Bank of India,
Manavadar,
Dist. Junagarh. ... First Party

Vs.

Shri Ahmed Vali Mohamed Notiyar,
Dattra Road, India Garriage
C/o Haji Sharif Habid,
Junagadh. ... Second Party

APPEARANCE:

First Party: Shri A. C. Shah

Second Party: Shri J. J. Dave

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/263/96-IR (B-I) dated 14-8-1997 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of Union Bank of India, Ahmedabad/Manavadar in dismissing the services of Sh. Ahmed Vali Mohamed Notiyar, Peon is legal and justified ? If not, to what relief the said workman is entitled ?"

2. A notice was issued to the second party to file the written statement. The second party was submitted a written statement by Ex. 6. The brief facts are that the dismissal is illegal and against the principle of natural justice. There was no fair inquiry. Not reasonable opportunity was given to defend the case. He was denied the documents which have been relied upon. The extraneous and irrelevant circumstances and facts are taken into consideration and the documents are relied upon by the authorities without giving proper opportunity of defence to the workman. No legal evidence is in the inquiry. The findings arrived at are perverse and without application of mind. The charge sheets are vague and indefinite. No legal and proper procedure has been followed during the enquiry. The punishment is shockingly disproportionate. The dismissal order has been issued by the inquiry officer. The authority were biased in the matter and themselves interested in the matter. This has caused serious prejudices to the workman during the inquiry. However, amendment application was given by Ex. 13. The brief facts are that the inquiry officer was appointed by the bank. Only for one charge sheet and he has inquired for all charge sheets. He initially approached Hon'ble Civil Court Junagadh. And by order dated 29-1-96 it was disposed of. 3 charge sheets dated 3-6-1986, 21-7-1986 and 22-10-1986 were issued and reply was given. The inquiry is an empty formality. Thus it was not just, fair and reasonable. It was conducted in a slip sod manner. The second party deprived of reasonable opportunity as defined in the Khemchand case. During the evidence the branch manager Manavadar was looking to the employee eye to eye. The criminal case was filed against the branch manager in the court of Manavadar. There was no evidence to prove the charges. The charge sheets can not be issued on piece meal and one after the other. The appellate order is not speaking order. The contents submitted by the second party in appeal and further deposited in the personal hearing have not been considered at all. Thus the whole inquiry is null and void, illegal, unfair, perverse, mala fide, and arbitrary in the eye of law. Hence it shall be quashed and set aside. The penalty is also cruel. It is prayed that he shall be reinstated in services with continuity of services and with back wages.

3. A notice was issued to the first party to file the written statement. The first party has filed the written statement by Ex. 16. The brief facts are that the reference is delayed. He was dismissed by order dated 25-6-87. An appeal was preferred by the second party and it was dismissed by order dated 4-12-1987. It is not true that the order is illegal and against the principle of natural justice. The charge sheets dated 3-6-1986, 21-6-1986 and 20-10-1986 were issued for gross misconduct and minor misconduct. He was suspended during the inquiry. Inquiry was as per

the procedure of the bank. A relevant document were given during the inquiry. Proper opportunity was given and after the inquiry, the charges were proved. Hence he was dismissed by order dated 26-5-86. Thus it is requested that reference shall be dismissed with cost.

4. By Ex. 17 a counter reply was filed by the second party. The brief facts are that the inquiry officer has dismissed the workman which is illegal and without jurisdiction. The disciplinary actions and the entire enquiry is against the basic provisions of the statutory rules and ex facie nullity in law. The reference is not delayed as directions was given by the Hon'ble civil court. The departmental inquiry was empty formality. The order was passed without the application of mind. In 1979 G. L. R. page 109, the various tastes and measures shown for awarding the punishment. It was biased attitude, incompetent authority has been issued the charge sheets. Charge sheets were vague. Enquiry officer has played on the tune of the other side. No reasonable opportunity was given. The entire enquiry was conducted in the slip sod manner and it was nothing but empty formality. Findings are perverse, arbitrary and colorful and there is not a single evidence to prove the charge sheets. A small man was punished for nothing. Thus it is prayed that a reference shall be allowed and proper justice should be given to the second party.

5. The second party has submitted a D. E. list by Ex. 14 which are mark 14.1 to mark 14.8. The second party has submitted a D. E. list which is mark 36.1 to mark 36.20.

6. The opponent has submitted a D. E. list which is mark 26.1 to mark 26.14.

7. The oral evidence of the second party is by Ex. 27. By Ex. 28 the second party closed the oral evidence. Though, proper opportunity was given to the first party for the evidence. No oral evidence has been submitted by the first party and the right of the evidence was closed by order under application Ex. 35.

8. Heard the Ld. Advocate Shri Dave on behalf of the second party. He has submitted that looking to the departmental inquiry it is nothing but, a formality. It was against the principle of natural justice. And no documents was provided before the inquiry to the second party. He was raised various contentions regarding the legality of the inquiry-in-written synopsis by Ex. 37. From page 4 to page 17, it is submitted that there was no rule and sufficient ground to issue the charge sheets. The inquiry was held in utter arbitrary and unfair manner. No fair, just and proper opportunity was given as per the law, as held in Khemchand Vs. U. O. I. 3 charge sheets were given. However, E. O. was not empowered to inquire for all the 3 charge sheets. Thus defence was prejudiced. The inquiry officer has no right to punish delinquent. No document was given prior to the inquiry which goes to the root of legality of inquiry. No proper opportunity of defence was given and the witness were examined at the back of the employee. Findings are perverse. There must be the law of the proportionality. Bias, predetermination, prejudice is there. It is prayed that the reference shall be allowed. And the second party shall be reinstated with continuity of services and with full back wages setting aside the dismissal order dated 26-5-87 and 27-11-1987. The exemplary costs shall be given. He relies on R. B. Mishra AIR 1983 page 454 and Ranjit Thakar A. I. R. 1987 S. C. 2386.

9. Though proper opportunity was given to the first party, there is no submission by the first party regarding the legality of the inquiry and the justness of punishment.

10. Looking to the terms of reference and looking to the materials on record the following issues are to be decided for my considerations :

(A) Whether the inquiry held against the second party is legal and just, and according to the principle of natural justice ?

(B) Whether the action of the management of Union Bank of India, Ahmedabad/Manavadar in dismissing the services of the second party is legal and just ?

(C) Whether the punishment inflicted by the first party to the second party is harsh and required to be interfere under section 11 A of the I. D. Act ?

(D) Whether the second party is entitled for the reinstatement with continuity of services ?

(E) What order about the back wages ?

(F) What final order ?

My answer to the above issues are as under as per reasons given below :

(A) No

(B) No

(C) Yes

(D) Yes

(E) The second party shall be paid 60% back wages from the date of termination till the date of retirement with all consequential benefits and allowances and with all retirement benefits and dues shall be paid to him treating him as he is in continuous service and there is no dismissal.

(F) As per the final order of the award.

REASONS

11. If we pursue the inquiry proceedings it is clear that the inquiry was held for three charge sheets against the second party i.e. dated 3-6-1986, 21-7-1986 and

22-10-1986. However, perusing the proceedings it is clear that the documents which are produced during the course of inquiry were never given to the second party, before the commencement of inquiry. Not only that if we peruse the evidence by MW-1 and MW-2 it is clear that no letter dated 1-5-86 was given CSE before the inquiry which is taken as evidence. Thus no letter dated 18-9-1986 and 22-12-1986 was also given to the second party before the inquiry. However, after the 15-12-1986 the inquiry was fixed on 22-12-1986 but before the date inquiry was conducted. Thus it is not a fair act on behalf of the inquiry officer to order him to remain present on 18-12-1986 and the inquiry held on 16-12-1986 is illegal ex-facie. MW 1 was examined in the absences of CSE i.e. second party. Thus the defence of the second party is greatly prejudiced and haste shown by the inquiry officer is nothing but a bias conduct against the C. S. E. Not only on the same date MW 2 was examined by the inquiry officer against the principle of natural justice. Thus it clearly shows that no proper opportunity was afforded to the second party for the defence and witnesses were examined in the absence of the second party without proper reason or cause. If we peruse the inquiry proceeding, 3 charge sheets are issued dated 3-6-1986, 21-7-1986, 22-10-1986. However, the appointment of inquiry officer was dated 12 September, 1986. Thus he was not empowered to inquiry in to the charge sheet dated 22-10-1986. Hence the inquiry regarding the charge sheet No. 3 i.e. dated 22-10-1986 is without authority and without jurisdiction. The whole inquiry is vitiated looking to this fact also. If we peruse the evidence it is clear that the lunch timing of the second party was changed from April 86, without prior notice to the second party with only intention to harass and to fabricate false charges against the second party by the branch manager which has a prior enmity with the second party. Looking to the memo issued, and looking to the documents produced by the second party it is clear that this is a case of clear victimisation. Charge sheets are vague and nothing, but result of enmity between Shri Vora, branch manager and second party. Not only that the second party has complained against the illegal and unjust act of Shri Vora. This was a reason for such false and fabricated charge sheets. Thus without cross examination of MW 1 no evidence of MW 2 can be taken at the same time and which is against the principle of natural justice. Thus the right of defence of the second party is greatly prejudiced for above reason.

12. If we peruse the charge sheets and if we peruse the evidence in the inquiry, a case register was demanded from second party. As per the evidence. He was doing the work of the bank. Thus there is no case of the in-subordination proved against the second party. Not only that there is no cogent evidence to prove the incidences dated 8th November 1985 and 21st January, 1986. He was permitted to leave. Some delay was there in coming back. So it is not a minor or gross misconduct. Regarding the other charges i.e. the incident of 21st January 1986, the root cause is enmity. Looking to the evidence it is nothing but a fabricated charge regarding the incident of 6 February 1986. The permission was given and marking in register is not proved. Regarding the incident of 7-8-1986 to give C. C. register, it is clearly proved in the inquiry that he was engaged in other job of the bank. Thus it is not a mis conduct. Regarding the charge dated 16-4-1986, the first party fail to establish that it is not a lunch period. However, before the changing the lunch period the second party was not informed. Not only that the other workmen was playing carom with him. Thus there cannot be a different lunch time for the same class of employees. This proves the bias and prejudice against the second party. It is clearly established that the enmity with branch manager is the whole issues and for which a concocted and fabricated charges were alleged against the second party with sole intention to relieve him from services.

13. In the charge sheets the employer shall frame specific charges with full particular. If a charge sheets are vague, it is a fatal defects are vitiate the entire proceedings. Thus perusing all 3 charge sheets it is clear that all the 3 charge sheets are vague exact nature of alleged misconduct shall be stated. Not only that delinquent is entitled to demand and receive relevant documents before the inquiry and it is also part of disciplinary authority to give it otherwise it will vitiate the inquiry. Thus all the documents on basis of which the charges are framed and the authority rely to prove those charges and other documents which may not be the basis for the framing the charges and on which authority places no reliance to prove the charges which are required by the delinquent to effectively defend himself in the inquiry and to cross-examine the witness shall be given to the delinquent. If the authority fail to furnish either of the two sets of documents the inquiry is vitiated. It was held in V. G. Kuratti Vs. Syndicate Bank, 2005 LLN 242. Not only that in Miraj Taluka Girni Kamgar 1992(2) LLG page 686 it was held that no to furnish details of documents on which charge sheet is based is a miscarriage of justice. Thus looking to this case also inquiry held against the concerned workman is illegal and unjust and against the principle of natural justice. Hence I declared the inquiry as vitiated. Not only that findings arrived by the inquiry officer are not based on evidence. Hence the findings are also perverse. Thus I held the inquiry is illegal and findings are perverse.

14. As the inquiry is illegal and first party has not proved the charges as mentioned in 3 charge sheets before the Tribunal. I find the action of the dismissal of the first party by order dated 26-5-1987 passed by the inquiry officer and the order of the appellate authority dated 27-11-1987 is to be quashed and set aside. Not only that the charges are not proved in the inquiry. The punishment as inflicted by the first party by order dated 26-5-1987 and 27-11-1987 is very harsh and without application of mind. Thus I set

aside the punishment of dismissal imposed by the first party's. The disciplinary authority and order of the appellate authority to the concerned workman. Looking to this fact the concerned workman is entitled to reinstatement on his original post with continuity of services.

15. The first party raised the question of delay. The civil suit was filed in the civil court. Hence there is no question of delay and latches on the part of the second party.

16. The second party is entitled for the reinstatement on his original post with continuity of services and as a general rule for the full back wages also. Dismissal order has been passed in 1987 and the retirement date of the concerned workman is 6-11-1995 according to Ex. 27. I think that the first party shall not saddled with the burden of full back wages from the date of dismissal till the date of retirement. But in the interest of justice it is proper to award the concerned workman 60% back wages from the date of dismissal till the date of retirement i.e. from 26-5-87 to 6-11-95. Thus it is directed to the first party to give 60% back wages from the date of dismissal till the date of retirement and to treat the concerned workman in continuous service. It is also directed to the first party to give the second party all the benefits including the allowances and all the terminal benefits to the second party because the second party has been given notional reinstatement on his original post with continuity of services.

17. Thus looking to the above observations I hereby pass the following order :

ORDER

The reference is partly allowed. The first party, Union Bank of India Ahmedabad/Manavadar is hereby directed to reinstate, to treat the concerned workman in continuous service on his original post from the date of dismissal i.e. 26-5-87 till the date of retirement i.e. 6-11-1995. The first party is hereby also directed to pay 60% back wages from the date of dismissal, till the date of retirement with all consequential benefits and with all the retirement benefits within 30 days of the receipt of this order. The first party is hereby also directed to pay Rs. 1,000 as a cost of this reference.

Date : 19-03-06
Ahmedabad B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3064.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कॉमर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 118/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/94/1998-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 11th July, 2006

S.O. 3064.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 118/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 10-7-2006

[No. L-12012/94/1998-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. I. KAZI, B. Sc., LL.M., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

Reference (C. G. I. T. A.) No. 118 of 2004

Old Reference (I. T. C.) No. 95 of 1998

BETWEEN:

The Manager,
Industrial Reconstruction,
Bank of India,
Nature's view,
Ashram Road,
Ahmedabad. ... First Party

AND

Shri Bharatbhai N. Hathiwada,
Block No. 2, Shreepad Society,
Radhaswamy Temple,
Near Ranip,
Ahmedabad. ... Second Party

APPEARANCES:

First Party : Shri P. N. Sheth.

Second Party : Shri Azadsinh Parihar.

AWARD

The Government of India, Ministry of Labour has referred this Industrial dispute between the above parties by order No. L-12012/94/98/IR/(B-I), dated 15-1-1998 to this Tribunal for adjudication. The Schedule is as under :

SCHEDULE

"Whether the action of Industrial Reconstruction Bank, in terminating the services of Shri Bharatbhai

Hathiwada temporary workman w.e.f. 10-6-1992 and retaining his juniors in the service is legal and justified ? If not, to what relief the workman concerned is entitled to ?"

2. A notice was issued to the Second Party to file the Statement of Claim. By Exh. 7 the Second Party has submitted a statement of claim. The brief facts are that the Second Party was employed on 1-12-1987 as a daily wager Peon. His last pay was Rs. 35 per day. Shri Aiyer who was holding charge of Ahmedabad, terminated the service on 10-6-1992 of the second party. No notice or notice pay was given. No compensation has been paid. The Second Party has worked for more than 240 days in each year. Two Peons who were working with the Second Party, have been made permanent. The Second Party demanded for the permanentship, hence, he was terminated. Thus, it is prayed that the action of the First Party in terminating the service of the Second Party on 10-6-1992 shall be declared as illegal, improper and against the principles of natural justice and to reinstate the Second Party on his original post with continuity of service and with back wages.

3. A notice was issued to the First Party to file written statement. By Exh. 10 the First Party has submitted written statement. The brief facts are that the averments made in the claim are not true and are not accepted. The vacancies are to be filed as per the rules and to be sanctioned by the Government of India. The names are requisition from the Local Employment Exchange and interviews are held by the committee and the recommendations are final to the head office and thereafter, the appointment can be made on the post. The First Party has opened the Ahmedabad Branch Office in last quarter of 1987. The Second Party was engaged purely on casual basis for casual nature of work as daily rated. He was not a regular employee. He has not completed 240 days in any of the year during the service. Even the total number of days during the tenure is less than 240 days. He was employed as and when exigency had arisen and he worked as a casual daily rated employee upto September, 1993. He has not worked for more than 100 days during December, 1987 to September, 1993. Thus, Section 25-F of the Industrial Disputes Act is not applicable and the reference is legally not tenable. It is not true that termination was from 10-6-1992. It is false that Mr. Aiyer has terminated the service on 10-6-1992. Thus, the date of joining is false and the date of termination is also false. It is not true that he has worked on Sundays for the purpose of cleaning. It is also not true that since he demanded for making permanent, his services were terminated from 10-6-1992. Thus, it is prayed that reference shall be dismissed with costs.

4. By Ex. 17, the Second Party has submitted documentary evidence list. 17/1 is Ex. 23 and 17/2 is Ex. 24.

5. The First Party has submitted his documentary evidence list by Ex. 29 and 29/1 is Ex. 30. The First Party has submitted a further list of documentary evidence by Ex. 36 which are 36/1 to 36/6 and by Ex. 46 the First Party has submitted further documentary evidence list. 46/1 is the policy and procedure for recruitment and promotion of officers and staff and 24/2 is the staff regulation of the bank.

6. The Second Party has examined himself by Ex. 27 and the Second Party closed his evidence by Ex. 31. The First Party Examined Shri N. Santhaman Aiyer by Ex. 43 and the First Party closed its evidence by Ex. 44.

7. Second Party has submitted written arguments which I have considered. It is submitted that he was employed on 1-12-1987 as a daily wager Peon and his last pay was Rs. 35 per day. His services were terminated on 10-6-1992. No notice or notice pay was given or compensation has been paid. He has worked for more than 240 days in each year. Two junior Peons to the workman have been made permanent but on demand made for permanency, he was terminated. Thus, it is prayed that he shall be reinstated with continuity of service and with back wages.

8. Heard the learned advocate Mr. Sheth on behalf of the First Party. It is submitted by him that the workman has not completed 240 days in any of the year preceding 12 months of the termination. He was engaged on purely casual basis during the whole period. He has not worked for more than 100 days. Thus, Section 25F is not applicable and the termination is not a retrenchment. It is prayed that the reference shall be dismissed with costs.

9. Looking to the submissions of the parties and looking to the materials on record, the following issues are to be decided for my consideration :

ISSUES :

(A) Whether the concerned workman proves that he has worked for 240 days preceding 12 months of the termination in the First Party bank ?

(B) Whether the action of the management of the Industrial Reconstruction, Bank of India, Nature's view, Ashram Road, Ahmedabad in terminating the services of the concerned workman is legal and justified ?

(C) Whether the concerned workman is entitled for the reinstatement to his original post with continuity of service ?

(D) What order about the back wages ?

(E) What final order ?

10. My answer to the above issues are as under as per the reasons given below :

ANSWERS :

(A) No.

(B) No.

(C) No.

(D) No order regarding back wages.

(E) As per final order of the Award.

REASONS

11. If we peruse the documents submitted by the First Party and the oral evidence of the First Party viz. Shai Aiyer Ex. 43, it is clear that the Second Party has not worked for 240 days in 12 months preceding the date of termination. Looking to the documentary evidence, it is clear that the Second Party was not terminated on 12-6-1992 but he has worked in September 1993 also. Looking to Ex. 24 the working days of the Second Party has been given by the First Party and that document was submitted before the ALC, Ahmedabad. Thus, in 1987 i.e. from 1-12-1987 to 21-12-1987 the Second Party has worked for 21 days. Then after from January, 1989 to April, 1989, he has worked for 20 days and from 25-7-1989 to 31-7-1989 he has worked for 7 days. He has worked in September, 1993 for 4 days which is the month of termination and the preceding 12 months from September, 1993, the Second Party has worked only for 5 days. Second Party has not completed 240 days preceding 12 months of the termination. Not only that, he has not worked for 240 days in any calendar year. The Second Party has not contradicted this fact and it is documentary evidence. Thus, it is clear that as the Second Party has not completed 240 days preceding the month of termination, Section 25-F of I. D. Act is not applicable in the present case. Not only that, he was a casual daily worker and he has not worked continuously in any calendar year for 240 days.

12. In the cases of Ganganagar Sugar Mills v. State of Rajasthan and another, reported in 2004 (8) SCC 161, and Municipal Corporation, Faridabad v. Shrinivas—2004 (8) SCC, 195 and M. P. Electricity Board v. Hariram—2004 (8) SCC, 246, it was held by the Apex Court that the burden of proof lies on the workman to show that he had worked continuously for 240 days preceding one year prior to his alleged retrenchment and it is for the workman to adduce an evidence to do factum of his being in employment of the employer. In the Range Forest Officer v. S. T. Hadimani 2002 (3) SCC page—25 it was held by the Apex Court that filing of affidavit cannot be regarded as sufficient evidence to come to the conclusion that a workman had in fact worked for 240 days in a year. No proof of receipt of salary or wages or acknowledgement for this period was produced by the workman. In Surendranagar Panchayat and another v. Jethabhai Fitambarbhai—2006 (1) LLJ page 268, it was held by the Hon'ble Supreme Court that the claimant has to lead the evidence to show that he had worked for 240 days in a year preceding termination. Thus, looking to the judgment of Mohanlal v. Management of Bharat Electronics Ltd.—1981 (2) LLJ page 70, it is clear that Section 25(f) of the I. D. Act, is not applicable in the present case, looking to the admission of the workman that he has not worked for 240 days in a calendar year preceding termination. Thus, the action of the First Party in terminating service of the Second Party is not unjust or illegal. There is no violation of principles of natural justice and Section 25(f) is not applicable in the present case. Thus, the second party is not entitled for the reinstatement with continuity of service on his post. Hence, the Second Party is not entitled for the reinstatement with continuity of service or for the back wages.

13. Looking to the above observations, I hereby pass the following order :

ORDER

The reference is hereby rejected. The action of the management of the Industrial Reconstruction, Bank of India, Ashram Road, Ahmedabad in terminating the services of Shri Bharatbhai N. Hathiwada, is not unjust or illegal. The concerned workman is not entitled for the reinstatement in service with continuity of service, not only that he is also not entitled for the back wages from the date of termination. No order as to costs.

Date : 21-3-2006
Ahmedabad B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3065.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 65/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/352/1997-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 11th July, 2006

S.O. 3065.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 65/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Union Bank of India and their workmen, which was received by the Central Government on 10-7-2006

[No. L-12012/352/1997-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. Kazi, (B. Sc., LL. M.), Presiding Officer.

Industrial Dispute (Reference C. G. I. T. A.) No. 65/04

Old (I. T. C.) No. 14/1998

Branch Manager,
Union Bank of India,
Gabat, Tal. Bayed,
Dist. Sabakantha ... First Party

V/s.

Sh. Babubhai Kalabhai Makwana,
C/o Active Labour Ass.,
Shambhi Nivas, Jain,
Derasar Road, Odhan Gaon,
Ahmedabad ... Second Party

APPEARANCES:

First Party : Shri B. K. Oza.

Second Party : Shri G. K. Ratod.

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/352/97/IR (B-II), dated 26-2-1998 to the Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of Union Bank of India in terminating the services of Sh. Babulbhai Kalabhai Makwana, Ex-sweeper w.e.f. 3-9-1996 is legal and justified ? If not to what relief the workman concerned is entitled ?

2. A notice was issued to the Second Party to file the Statement of Claim. The second party has submitted a statement of claim, by Ex. 7. The brief facts are that the concerned workman worked as a sweeper from Oct. 1993 to 3-9-1996 continuously. He was paid Rs. 400 per month. A work of peon was also taken from him and a separate pay was given for that job. He refused to sign a pay register for bogus name and he was terminated. He has completed 240 days in each year. Thus the action of the first party in terminating the service of workman is in violation of Section 25 (F), (G), (H). No retrenchment compensation has been paid. One Shri Lalabhai was transferred and he was appointed in place of the concerned workman as a sweeper-cum-peon. The work is a permanent nature. No seniority list was show before or at the time of termination. Juniors were retained in employment. The bank has employed the part time employees who has completed 90 days as a full time employee. The concerned workman has completed 90 days but he was not made full time employee. Thus it is prayed that the oral termination of the concerned workman by the first party on 3-9-1996 is illegal and in violation of principle of natural justice and Section 25 (F), (G), (H). It is also prayed that he should be reinstated with full back wages on his original post with continuity of services and to give the cost.

3. A notice was issued to the First Party to file a written statement. The first party has submitted the written statement, by Ex. 9. The brief facts are that the contentions of para 1 to 6 of S. C. are not true and are not admitted. The concerned workman was employed as a daily wager for sweeping and casual work. He was working only for 1½ hour and he was paid Rs. 10 as a wages for that work. Thus from the period 1-4-1995 to 31-7-1996 when there was a need, he was employed as a stop gap arrangement as a temporary sweeper. No work of peon has been taken from him. The bank is employing a person as per the rules and regulation. He has not completed 240 days in the year. He is not a permanent workman of the bank. There is no violation of Section 25 (F) of the Industrial Dispute Act. A daily wager or temporary employees has no right for the permanency after completing 240 days. The back door entry cannot be made permanent. When the permanent peon was absent. He was called for a job of that employee. There is no question of maintaining the seniority list. It is not true that new employee is employed in the place of the concerned workman. The services of the stop gap arrangement daily wager employed by the bank were terminated after regular employment. Thus the action of the bank is just, legal and proper. Thus it is prayed that the reference shall be dismissed with cost.

4. By Ex. 10, the Second Party has submitted a list of document, which are mark 10.1 to 10.15 which is exhibited as Ex. 12 to Ex. 26. The first party has submitted a D. E. list by Ex. 30. Marked 30.1 is the transfer letter of Shri R. J. Vankar and marked 30.2 is the letter written by Shri R. J. Vankar.

5. The second party examined himself by Ex. 11 and second party closed the oral evidence by Ex. 28. The first party examined Shri Hemang Trikamlal Dipankar by Ex. 29 and the first party closed the oral evidence by Ex. 31.

6. The Second Party has submitted written argument which I perused while the first party has submitted an oral argument which is taken in to the consideration.

7. Looking to the terms of reference and looking to the materials on record the following issues are to be decided for my consideration in this present reference :

(A) Whether the concerned workman Shri Babulbhai Kalabhai Makwana, has completed 240 days in any calendar year or preceding 12 months of termination ?

(B) Whether the action of the management Union Bank of India in terminating the services of Shri Babubhai Kalabhai Makwana w.e.f. 3-9-1996 is legal and justified ?

(C) Whether the concerned workman is entitled for the reinstatement with continuity of service ?

(D) Whether the concerned workman is entitled for the back wages from the date of termination till the reinstatement ?

(E) What final order ?

My answer to the above issues are as under as per reasons given below :

(A) No.

(B) Yes.

(C) No.

(D) No.

(E) As per the final order of the Award.

REASON

8. If we peruse the documents produced by the concerned workman by Ex. 10. It is clear that, the employment of the concerned workman was ended on 3-9-1996. Simultaneously he has worked as a sweeper-cum-peon. The pay for the peon per day was Rs. 20. While the pay for the sweeper was Rs. 10. It is also admitted by the concerned workman that before his employment, a permanent sweeper was in the branch. As that sweeper transferred to Vijapur, the concerned workman was employed as a part time sweeper. It is also admitted by him that he was a part time sweeper and he was working for 3½ to 4 hours. If we calculate the days worked by the concerned workman in preceding 12 months from the date 3-9-1996, as per Exs. 18 to 26, the total days of the work of the concerned workman are 214 days. Thus Section 25 (F) of the Industrial Dispute Act, is not applicable in the present case. And there is not breach of Section 25 (F) by the first party.

9. In Rajasthan State Ganganagar S. Mills Ltd., *V/s.* State of Rajasthan and Another 2004 (8) SCC 161 : S. C. Municipal Corporation, Faridabad *V/s.* Shri Nivas 2004., (8) SCC 195 and M. P. Electricity Board *V/s.* Hariram 2004—III LLJ 1144 S. C. The Hon'ble Apex Court has reiterated the principle that the burden of proof lies on the workman to show that he had worked continuously for 240 days in the preceding one year prior to his alleged retrenchment and it is for the workman to adduce an evidence apart from examining himself. In Range Forest Officer *V/s.* S. T. Hadimani 2002 I LLJ—1053. It was held by the Hon'ble Supreme Court that filing and affidavit can not be regarded as sufficient evidence for any Court/Tribunal to come to the conclusion that a workman had, in fact worked for 240 days in a year. Proof of receipt of wages for 240 days or order or record of engagement for this period is necessary. Thus in the present case the workman has not worked of 240 days in the preceding 12 months prior to his alleged retrenchment dated i.e. 3-9-1996. Thus the concerned workman is not entitled to reinstatement with continuity of service. Not only that he is also not entitled for the back wages from the date of termination. He is not entitled for the reinstatement on his original post with continuity of service. Looking to above observations I hereby pass the following order :

ORDER

The action of the management of Union Bank of India in terminating the services of Sh. Babulbhai Kalabhai Makwana, Ex-sweeper w.e.f. 3-9-1996 is not illegal or unjust. The concerned workman has failed to prove that it is a case of retrenchment or unjust termination. Hence he is not entitled for the reinstatement on his original post and for back wages.

No order as to cost.

Date : 13-2-2006
Ahmedabad B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3066.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 59/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-12012/204/1997-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 11th July, 2006

S.O. 3066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/04) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda and their workmen, which was received by the Central Government on 10-7-2006

[No. L-12012/204/1997-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. Kazi (B. Sc., LL. M.), Presiding Officer

Industrial Dispute (Reference C. G. I. T. A.) No. 59/04

Old (I. T. C.) No. 4/1998

The Assistant General Manager,
Bank of Baroda, Zonal Office,
North Zone P. B. No. 11,
Opp. Income Tax Office,
Ahmedabad-380014. ...First Party

V/s.

Sh. Ravjibhai L. Valodara,
C/o R. C. Pathak,
4, Deeplex Apartments,
1st floor, Nehru Park Vastrapur,
Ahmedabad-380015. ...Second Party

APPEARANCE :

First Party : Shri R. C. Pathak

Second Party : Shri V. K. Mashar

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-12012/204/97/IR (B-II), dated 6-1-1998 to the Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the management of Bank of Baroda, Ahmedabad in terminating the services of Sh. Ravjibhai L. Valodara w.e.f. 16-1-1996 and in not regularizing him as Sweeper-cum-peon is legal and justified ? If not, to what relief the said workman is entitled ?"

2. A notice was issued to the second party to file the statement of claim. The second party has filed the statement of claim by Ex. 5. The brief facts are that, he was working as a Sweeper-cum-Peon under the Bank of Baroda, Ellisbridge Branch, Ahmedabad. He is performing the permanent nature of work which was required permanently. He was engaged on a clear vacant post w.e.f. 23-11-1993 and his presence was marked in muster-roll. He was getting a salary of Rs. 82 per day by cheque. After calculating the number of days from the muster-roll, the salary was paid. No other benefits were granted to the workman except the salary. He was required to sign the cheque which are in the custody of the Bank. He signed the voucher also. He has worked with the bank till 16-1-1996. The workman demanded that he should be regularized and he should get the regular time scale pay. All of sudden, the management has discontinued the workman without following any due process of law. He has completed the services of more than 240 days in each year and therefore his services can not be terminated without following section 25 F of the Industrial Dispute Act. After completion of 90 days the bank management is under obligation, to regular, the services of temporary employee. By not regularizing the workman and terminating his services is totally illegal and exploitative. The bank found a trick and the second party workman has to give an application for employment on some bogus names. He was compelled to sign the bogus voucher. It is for the creation of the records which may shows that the concerned workman was not working continuously but for some period, other person was engaged by the Bank. There are handwriting of the workman behind the cheque by which payment was made to him and there is also his signature on vouchers of the bank. On comparing the such documents, it can be seen that the cheque is received by the workman, though cheque was in the name of the some other persons. The documents are with the first party. So they may be called upon to produce before the Court. The first party has issued a presence card to the second party in which his presence is shown and the officer of the bank of Shri R. C. Shah has put the signature but the name of the establishment is not shown in the presence card. After the termination the concerned workman has made the several reports and representations but no reply has been given to him. The management is rotating the employees under the name of the temporary employment and they are replacing similar type of employees after a period of 89 days. This is unfair labour practice. Thus it is prayed that the first party shall be directed to reinstate the second party workman on his original post with full back wages and with continuity of services.

3. A notice was issued to the first party to file the written statement. The first party has submitted a written statement by Ex. 14. The brief facts are that the statement and submissions made in the statement of claim by the second party are denied except admitted by the first party. Reference is illegal and not tenable. The Hon'ble Tribunal has no jurisdiction. There is no Industrial Dispute, hence reference is rejected. The reference suffers from delay, laches and acquiescence. The second party has not completed 240 days in service, hence reference is not maintainable. He has not come with clean hands and suppressed relevant and material fact. It is submitted that the second party was engaged by Bank's Staff College, Ahmedabad as Sweeper purely on temporary basis for a total period of 80 days from 23-1-1993 to 17-12-1994 on daily wages on account of absence of regular sweeper. He was not assigned any duties of peon. It is not true that his presence was marked on bank muster-roll. A presence card was issued to facilitate payment of wages and to maintain the record of his engagement. The details of working and wages were maintained in the register. He was paid the wages at the rate of Rs. 82 per day. Being a purely on temporary basis he was not entitled to other benefits. Bank Staff's college is a training establishment and does not transact banking operation. The college maintains only petty cash to meet sundry expenses. He was issued a cheque drawn on Ambawadi Branch, which used to make

payment. Hence he was required to sign on the back of the instrument in token of having received of payment. His signature was obtained of bank's voucher towards payment of wages. His claim that he was terminated in violation of Section 25-F of the I. D. Act is not justified. He was not engaged till 16-1-1996 as claimed by him. The allegation that he was compelled to sign bogus vouchers issued in the name of other persons is baseless and distorted. He was engaged purely on temporary basis for specific period. At Ellisbridge branch has no officer named Mr. R. C. Shah at any time. Hence application of the second party for reinstatement with full back wages and continuity of services is not just. Hence it is prayed that reference shall be rejected with cost.

4. By Ex. 13, the second party has submitted a list of documents, which are marked as 13.1 to 13.21. Though it is Xerox copy it was exhibited as Ex. 16 to Ex. 28 and Ex. 29 to 30.

5. The first party has submitted a list of documents by Ex. 41. Which is also Xerox copy which are voucher and Cheques issued to the concerned workman marked 41.1 to 41.34 and was exhibited as Ex. 42 to Ex. 75.

6. By Ex. 15 the concerned workman examined himself. And by Ex. 32 the second party closed the oral evidence.

7. The first party examined Shri Chintu Somabhai by Ex. 39. Shri Mahendrakumar R. Patel by Ex. 40 and Shri Rajendrabhai Shah by Ex. 79. The first party closed the oral evidence by Ex. 80.

8. Heard the Ld. Advocate Shri R. C. Pathak on behalf of the concerned workman it is submitted by him that the concerned workman has completed 240 days in a calendar year. His services were terminated without following due process of law and in violation of Section 25 F of the Industrial Dispute Act. Now looking to the documents submitted by the second party it is clear that the second party received wages and looking to the documents the factum of 240 days is proved. Hence being a illegal termination and being a retrenchment the concerned workman entitled for the reinstatement with continuity of services and with full back wages.

9. Heard the Ld. Advocate Shri V. K. Mashar on behalf of the first party. It is submitted by him that looking to the documents presented by list. Ex. 41 which are Ex. 42 to Ex. 75. It is clear that the second party has not completed 240 days preceding 12 months of the termination. Thus Section 25 F is not applicable in the present case. Not only that he was a daily wager and he has no right for the reinstatement on a clear vacancy. Because he was not appointed and on a clear vacant post. He was a temporary daily wager so that he is not entitled for the reinstatement. The Section 25 F is not applicable in the present case. Hence reference shall be rejected with cost. He relied on (1) 2004(4) L.L.N. 970 Gujarat H. C. 2004(2) III-LLJ page 832 S. C. (3) 1997 II. LLJ page 15 Himanshu Kumar and Another *V/s.* State of Bihar and others S. C. (4) Union of India and Others *V/s.* Ilango 2005 I-LLJ page 343 Madras H. C.

10. Looking to the above submissions and looking to the materials on record, the following issues are to be decided for my considerations :

(A) Whether the second party proves that he has completed 240 days preceding 12 months of the date of termination ?

(B) Whether the second party proves that the action of the management Bank of Baroda, Ahmedabad in terminating the services w.e.f. 16-1-1996 is illegal and unjust ?

(C) Whether the second party's entitled for the regularization as sweeper-cum-peon ?

(D) Whether the second party entitled for the reinstatement on the post of sweeper-cum-peon with continuity of services ?

(E) Whether the second party is entitled for the back wages from the date of termination ?

(F) What final order ?

My answer to the above issues are as under as per the reasons given below :

(A) No.

(B) No.

(C) No.

(D) No.

(E) No.

(F) As per the final order of the award.

REASONS

11. Looking to the Xerox copy of the documents submitted by the second party by Ex. 13. Which are marked Ex. 16 to Ex. 28 and Ex. 29, 30. It is clear that the second party has not completed 240 days preceding 12 months of the date of termination i.e. 16-1-96. As per his say, he was engaged on the vacant post of sweeper-cum-peon w.e.f. 23-11-1993. But there is no cogent evidence (Documents) to prove that he was appointed on the post of sweeper-cum-peon at Bank of Baroda, Ellisbridge Branch. Looking to the documents it is clear that he was not employed in that branch. He was employed bank's staff college at Ahmedabad as a temporary sweeper-cum-peon w.e.f. 23-11-1993 and actual appointment was upto 80 days from the date of appointment. Not only that he has not completed in any calendar year from the date of employment till the termination 240 days continuously.

12. If we see Ex. 16 the evidence of the concerned workman it is clear that the muster roll was maintained by the bank's staff college and by calculating actual day of work, he was paid wages. Looking to the Ex. 29 the detail day of working is given and in cross-examination he has admitted that he has worked in college training centre. He has also admitted that the actual working days and on that basis the wages were paid to him. The voucher was made and he was paid by cheque. He was paid Rs. 82 per day. It is also admitted that college training centre was not a bank. It is also admitted that permanent peon are employed in the college training centre. Thus if we peruse the documents submitted by the first party as per undertaking given in the evidence which are Ex. 42 to Ex. 75. It is clear that payment was made to the second party as per the voucher Exs. 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70 and 72. It is also clear that the second party has not worked 240 days in the 12 months preceding the termination. And looking to the Ex. 73 which is voucher dated 29-10-1994 the total days in the month of October 94 are 9½ days. Thus this document clearly shows that he has not worked continuously for 240 days in a calendar year or in 12 months preceding the termination.

13. Looking to the judgement of the Hon'ble Apex Court in Rajasthan State Ganganagar S. Mills Ltd. *V/s.* State of Rajasthan and Another 2004-III-LLJ page No. 832 it is clear that, it is for the workman to lead evidence to show that he had in fact worked upto 240 days in the year preceding the termination of his service. Thus if we calculate the days actual worked by the workman as per Ex. 42 to Ex. 75 it is clear that he has not worked for 240 days in any calendar year and he has merely worked for 3 to 8 days in a month from the date of employment, till the date of termination.

14. In State of Gujarat *V/s.* Ramesh Mopabhai Rathod 2004 (4) L.L.N. page 970 Gujarat H. C. The Hon'ble Division Bench has held that workman has not worked for a period of 240 days in the preceding year. In such a case Section 25 F of the Act would not apply. When there is no retrenchment question of applicability of Section 25 F and 25 G would not arise. Thus in the present case there is no violation of Section 25 F, because the workman has failed to prove that he has worked 240 days in the preceding year before the termination.

15. In Himananshu Kumar *V/s.* State of Bihar and Others 1997 II L.L.J. page 15 S. C. it was held that it is engagement of service on temporary employees on daily wages can not be construed as retrenchment. In Union of India and Others *V/s.* Ilango 2005 I. LLJ page 343 Madras H. C. It was held that of daily rated casual labourers are terminated. The termination will not illegal as their appointments not against sanctioned posts. Mere completion 240 days work did not entitle them to regularization, especially their initial entry is unauthorized and not against sanctioned post or vacancy. In the present case the concerned workman has not proved that his appointment was on sanction post vacancy. Thus the claim of regularization does not arise.

16. In Range forest officer *V/s.* S. T. Hadimani AIR 2002 SC 1147 it was held that it was for the workman to lead evidence to show that he had in fact worked 240 days in the year preceding his termination. Filing of an affidavit can not be recorded as sufficient evidence. No proof of receipt of salary or wages for 240 days of a year or record of appointment or engagement for this period was produced by the workman. Now looking to the evidence the submission notes by the concerned workman for payment of wages shows that he has not completed 240 days preceding 12 months of the termination. Not only that he has not worked 240 days in any calendar year from the date of employment till the termination.

17. In Municipal Corporation Faridabad *V/s.* Shri Niwas 2004 (8) SCC 161 and M. P. Electricity Board *V/s.* Harriram 2004 (8) SCC page 246 it was held by the Apex Court that burden of proof lies on the workman to show that he had worked continuously for 240 days in the preceding one year prior to his alleged retrenchment and it is for the workman to adduce an evidence. Apart from examining himself to prove the factum of his being in employment of the employer. Looking to the above observations it is clear that the second party has not established the factum that he has worked 240 days in any calendar year preceding the date of termination. Section 25 F is not applicable. Hence the second party workman is not entitled for the reinstatement on his original post with continuity of services. Not only that the concerned workman was a daily wager sweeper-cum-peon in the staff training college. Thus the concerned workman is not entitled for the regularization as his appointment was not on a clear vacant post. As there is no reinstatement of the concerned workman he is not entitled for the backwages from the date of termination.

18. Thus looking to the above observations I hereby pass the following order :

ORDER

The action of the management in terminating the service Shri Ravjibhai L. Valodara w.e.f. 16-1-1996 is not illegal and unjust. The second party workman is not entitled for the regularization on the post of sweeper-cum-peon in Bank of Baroda, Ahmedabad. He has not worked there on clear post, but he has worked in staff college training centre of Bank of Baroda. The second party is not entitled for the reinstatement on the post with continuity of services and also not entitled for the back wages. The reference is hereby rejected. No order as to cost.

Date : 15-11-2005
Ahmedabad. B. I. KAZI, Presiding Officer

नई दिल्ली, 11 जुलाई, 2006

का. आ. 3067.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कांडला डॉक लेबर बोर्ड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 1031/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-2006 को प्राप्त हुआ था।

[सं. एल-37012/9/1996-आई आर (एम)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 11th July, 2006

S.O. 3067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1031/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kandla Dock Labour Board and their workman, which was received by the Central Government on 10-7-2006.

[No. L-37012/9/1996-IR (M)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

Shri B.I. Kazi (B.Sc., L.L.M.) Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 1031/04 Old (I.T.C.) NO. 48/1996

Secretary,
Kandla Dock Labour Board,
Shramdeep Kandla Port (Kutch) ... First Party

V/s.

General Secretary,
Transport & Dock Workers, Union,
Room No. 21, Yogesh Building, Plot No. 586,
Ward No. 12/C Gandhidham,
Kutch. ... Second Party

APPEARANCE

First Party : Absent

Second Party : Shri M.L. Bellani

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-37012/9/96-IR (Misc) dated 13-11-1996 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the demand of the Transport & Dock Workers Union, Kandla for rectification of the Date of Birth of Shri Mangaram M. (43 TD), Tindal under Kandla Dock Labour Board from 1939 as per Medical Certificate of the Medical Officer to 5-8-1942 as per Transfer Certificate of School, just valid and legal ? If so what to benefits the workman is entitled for and what directions are necessary in the matter ?"

2. The second party was issued a notice to file a statement of claim by this Tribunal on 3-12-1996. The second party has submitted an authority to represent the second party. By Ex. 8, the second party submitted an application to withdraw the reference and it was stated that applicant is satisfied and he does not want to adjudicate the matter and prayed to allow the second party to withdraw the matter.

3. Looking to the facts of Ex 8, the Tribunal has allowed to withdraw the reference. Hence I hereby pass the following the order :

ORDER

Application Ex 8 is hereby allowed. The second party is allowed to withdraw the reference. The reference is hereby disposed of. No order as to cost.

Date : 23-3-06
Ahmedabad. B.I. KAZI, Presiding Officer

नई दिल्ली, 12 जुलाई, 2006

का. आ. 3068.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पोस्ट मास्टर जनरल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, कोल्हापुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/93/1998-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th July, 2006

S.O. 3068.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Kolhapur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Post Master General and their workman, which was received by the Central Government on 12-7-2006.

[No. L-40012/93/1998-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI S.M. BHOSALE, PRESIDING OFFICER, LABOUR COURT AT KOLHAPUR

Reference (IDA) No. 247/2002

Between :

The Post Master General,
Goa Region,
Panjim, Goa. ... First Party

And

Shri S.S. Shaikh,
A/p—Chinchwad, Tal. Karveer,
District Kolhapur. ... Second Party

Coram : Shri S.M. Bhosale, Presiding Officer

Advocates : Shri A.M. Peerzade, Advocate for the First Party.

Sou. A.A. Dharangaonkar, Advocate, for the second party.

AWARD

(Date : 12-6-2006)

This is a reference sent by the Under Secretary, Government of India, Ministry of labour, New Delhi for adjudication of industrial dispute between the first party employer and the second Party workman in terms whether the action of Department of Posts i.e. the first party in terminating services of the second party workman is legal and justified. If not, to what relief the second party workman is entitled to ?

2. I would like to state that earlier the said reference was sent for adjudication to the Labour Court, Sangli and the same was subsequently transferred to this Court. The second party workman filed statement of claim Ex. U-4. It is averred that the second party workman was in the employment of the first party as E.D.D.A. from 19-7-1982 and the first party has terminated his service from 8-12-1997. It is averred that in the order of termination it is mentioned that the second party workman refused to bring the D bag from Kolhapur post office as it is not his duty and at the time of doing he had made accident twice. The second party workman's service was terminated without following due process of law. Hence, the first party be ordered to reinstate him with continuity of service and full back wages.

3. The first party appeared and filed say Ex. C-1 and strongly resisted the claim. It is averred that the service conditions of Extra-Departmental agents working in the department are not governed by the provisions contained in the Industrial Disputes Act, 1947. There is a definite set of rules governing the service conditions of the E.D.As. known as the P&T ED agents (Conduct and Service) Rules, 1964 framed under the authority of Government of India. These rules contain elaborate provisions with regard to disciplinary proceedings against ED agents. If the disciplinary proceedings result in imposition of any of the prescribed penalties, the affected ED agent has the right to prefer and appeal to the prescribed appellate authority and if the appellate authority does not render the requisite reliefs sought for against the order of the disciplinary authority he has the option of preferring a revision petition to one of the prescribed authorities. It is also averred that there is also provision of review petition to the President. It is further averred that in case he fails to have a grievance redressed by addressing same to the prescribed departmental channels, the appropriate judicial forum is the Central Administrative Tribunal and not the Labour Court. It is also averred that Post & Telegraph department is also not an industry. It is further contended that the charge-sheet was served as per rules and departmental proceeding was finalised against the second party workman and then he was relieved from service w.e.f. 8-12-1997. The second party workman was in the employment of department of Posts as E.D.A. and, therefore, he also not falls within the meaning of workman. On all these counts it is prayed that the reference be dismissed.

The first party also filed application Ex. C-7 contending therein that in the written statement objection has been raised about jurisdiction and tenability of the reference. Hence first those objections be dealt with and then the matter be proceeded.

4. Following points arise for my determination at this stage. My findings thereon, followed by reasons thereof, are as under :

POINTS	FINDINGS
(1) Whether this Court has jurisdiction to entertain the present reference ?	No
(2) Whether present reference is tenable ?	No
(3) What award ?	As per Final Award.

REASONS

5. The second party workman filed his affidavit Ex. U-6. However, the first party not availed opportunity to cross-examine him. On the other hand, the first party not adduced any oral evidence.

6. Heard Learned Advocate Sou. A.A. Dharangaonkar appearing on behalf of the second party and learned Advocate Shri A.M. Peerzade appearing on behalf of the first party.

7. **Issue Nos. 1 and 2** : Learned Advocate Shri Peerzade vehemently submitted that this Court has no

jurisdiction to entertain present reference because the post of E.D.D.A. does not fall within the meaning of Sec. 2(s) of the I.D. Act. He also submitted that postal department is not an industry. In support of his argument, he placed reliance in the case of Sub Divisional Inspector of Post. Vaikam V/s. Theyyam Joseph reported in 1996 SOL case No. 023 wherein it is observed that

> "Industrial Disputes Act, Secs. 25-F and 2(s)-Workman-Extra Departmental Postal Agent (EDA) is not a workman—EDA is a civil servant—Not entitled to the benefits of the provisions of I.D. Act—They are governed by their Conduct Rules."

It is further observed that.

> "Industrial Dispute Act, Sec. 2(j) 'Industry'—Postal activities of the State are constitutional function of the state under Part IV of the Constitution enjoined by Directive Principles of the State Policy—Postal deptt. is not an 'Industry'."

He also vehemently submitted that as the E.D.A. servants are governed by the Conduct Rules framed by the authority hence, reference is also not maintainable. On the other hand, Learned Advocate Sou. Dharangaonkar vehemently submitted that E.D.A's duty has in the nature of workman and the Post department is an industry. She also vehemently submitted that though there are separate rules under which the second party workman is governed, even in such circumstances remedy under the I.D. Act is not barred.

8. Admittedly, the second party workman is working as E.D.D.A. The service rules for Extra-departmental staff are brought to my notice by Shri Peerzade, Learned Advocate for the first party. It defined E.D.A. i.e. Extra-Departmental Agent. E.D.D.A. includes E.D.A. Taking into consideration the law laid down in the case of Theyyam Joseph supra, E.D.A. is a civil servant. Moreover, the postal activity of the Government is a constitutional function and, therefore, it is also not an industry. Therefore, once the parties to the proceeding not fall within the definition of workman and industry as defined under the I.D. Act, this Court has no jurisdiction to entertain it.

9 Moreover, on perusal of the rules applicable to the parties it makes very clear that a specific forum is provided. Provisions of appeal to perscribed authorities, period of limitation are mentioned in detail. Considering those rules it can be well said that this Court has no jurisdiction to entertain present reference and it is not maintainable. In the result, I answer issue Nos. 1 and 2 in the negative and proceed to pass following award :

AWARD

(i) The reference stands dismissed.

(ii) No order to be costs.

Kohlapur
Date : 12-6-2006 S.M. BHOSALE, Presiding Officer

नई दिल्ली, 12 जुलाई, 2006

का. आ. 3069.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब डिवीजनल इंजीनियर, उदयपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, श्रम/न्यायालय, अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-7-2006 को प्राप्त हुआ था।

[सं. एल-40012/50/2001-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th July, 2006

S.O. 3069.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court-cum-Industrial Tribunal, Ajmer as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sub Divisional Engineer, Udaipur and their workman, which was received by the Central Government on 12-7-2006.

[No. L-40012/50/2001-IR (DU)]
SURENDER SINGH, Desk Officer

अनुबन्ध

न्यायालय श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर

सी आई टी आर नं. 15/01

रेफरेंस संख्या एल-40012/50/2001 आई आर (डी यू)
दि. 31-5-01

श्री नारायण सिंह पुत्र श्री स्व. मोहनसिंह झाला,
निवासी मकान नं. 255,
जवाहर नगर, लोहागल रोड, अजमेर . . . प्रार्थी

बनाम

दी सब-डिवीजलन इंजिनियर,
ओ. एफ. सी. मेंटिनेंस, उदयपुर . . . अप्रार्थी

समक्ष: श्री गंगासिंह शेखावत आर.एच. जे एस.

प्रार्थी की ओर से : श्री पी.डी. खन्ना अधिवक्ता

अप्रार्थी की ओर से : श्री अशोक माथुर अधिवक्ता

अवार्ड

डैस्क अधिकारी, श्रम मंत्रालय भारत सरकार, नई दिल्ली से प्राप्त रेफरेंस इस प्रकार है :

> "Whether the action of sub-Division Engineer, O.F.C. Maintenance, Udaipur in terminating the service of Sh. Narain Singh S/o Sh. Mohan Singh Jhala Ex. Casual Driver w.e.f. 26-9-94 is legal and justified ? If not what relief the workman concerned is entitle to ?"

नोटिस के उपरांत उभयपक्ष आये। प्रार्थी ने क्लेम के विवरण में अंकित किया है कि उसकी प्रथम नियुक्ति 18-12-85 को केजुअल वाहन चालक के पद पर हुई थी। परन्तु उसकी सेवाएं 12-12-86 को समाप्त कर दी गईं। उसके विरुद्ध औद्योगिक विवाद उठाने पर श्रम एवं औद्योगिक न्यायाधिकरण नई दिल्ली द्वारा 27-2-91 को प्रार्थी के पक्ष में अवार्ड पारित करते हुए नौकरी पर बहाली का अधिकार पाया गया। एवं इस आदेश के अनुसरण में दि. 4-10-91 को प्रार्थी ने पुन: नौकरी ज्वाइन कर ली। तदुपरांत 4-10-91 से 29-7-92 तक प्रार्थी ने कार्य किया। इसी बीच 27-7-92 को प्रतिपक्षी सं. 3 सहायक इंजिनियर ने आरोप पत्र दिया इस आरोप पत्र में 16-7-92 की घटना बताते हुए अंकित किया कि सहायक अभियंता सक्षम तरंग (अनुरक्षण) बांसवाडा द्वारा मजदूरों का वेतन भुगतान करने का आशय से जीप सं. 3489 में यात्रा की जा रही थी एवं जीप का चालक प्रार्थी था। प्रार्थी ने जीप को तेज गति से चलाया तथा सहायक अभियंता के बार-बार आदेश देने पर भी गति कम नहीं की जिस कारण सागवाडा से आगे डेढ किमी की दूरी पर गाड़ी दुर्घटनाग्रस्त हो गई। इस प्रकार प्रार्थी ने कर्त्तव्य के प्रति लापरवाही की। प्रार्थी पर दूसरा आरोप दुर्घटना के बाद नियमित मजदूर कन्हैयालाल के साथ दुर्व्यवहार कर उसकी पिटाई करना तथा तीसरा आरोप साथ में बैठे मजदूर हरिसिंह के साथ गाली गलौच करना बताया। चौथा आरोप उच्चाधिकारी अमरसिंह के आदेश की अवहेलना करना एवं पांचवा आरोप दुर्घटनाग्रस्त जीप को रिपेयरिंग के लिए बांसवाडा लाने से इंकार करने का लगाया। प्रार्थी ने इस आरोप पत्र का जवाब 6-8-92 को दिया। दुर्घटना की रिपोर्ट एफ आई आर सं. 132/92 दर्ज करवाई गई। जिसमें 11-9-95 को अतिरिक्त मुंसिफ मजिस्ट्रेट सागवाडा में प्रार्थी को धारा 279, 337 भारतीय दण्ड संहिता के अपराध के लिए धारा 3 परिवीक्षा अधिनियम प्रताड़ित कर रिहा किया। प्रार्थी ने आगे अंकित किया है कि उक्त आरोप पत्र की कोई जांच नहीं की। और न ही जांच अधिकारी नियुक्त किया। न ही जांच के सम्बन्ध में उसे सूचना दी गई बल्कि 26-9-94 को अवैध रूप से उसकी सेवाएं समाप्त कर दी। इस आदेश के विरुद्ध 11-1-95 को प्रार्थी ने केन्द्रीय प्रशासनिक अधिकरण जोधपुर के समक्ष चुनौती दी। जिसमें 12-4-2000 को उक्त अधिकरण ने क्षेत्राधिकार के अभाव में प्रार्थी के केस को खारिज कर दिया। अत: प्रार्थी ने यह विवाद उठाया। जिसे वार्ता विफल होने पर इस न्यायाधिकरण में निर्णय हेतु प्रेषित किया। पार्थी के अनुसार सेवा समाप्ति का आदेश 26-9-94 अवैध एवं शून्य है। आरोप पत्र भी अपने आप में शून्य है। सेवा समाप्ति से पूर्व उसे कोई नोटिस नहीं दिया गया। न ही जांच अधिकारी नियुक्त किया। निष्पक्ष गवाहों के ब्यान भी नहीं लिये गये। जांच अधिकरी अपने निजी कार्य कराने के लिये विवश करते थे। प्रार्थी ने निजी कार्य करने से इंकार कर दिया। इसी से प्रार्थी को परेशान किया जा रहा है। पूर्व में भी प्रार्थी पर चार लीटर मोबिल ऑयल चोरी करने का आरोप लगाया था। दुर्घटना के दिन अधिकारी शराब पीकर प्रार्थी की चलती कार में मारपीट करने लगा था। जिस कारण वाहन असंतुलित होकर दुर्घटनाग्रस्त हो गया था। प्रार्थी ने कन्हैयालाल सोनी के साथ कभी भी मारपीट नहीं की। न ही कोई दुर्व्यवहार किया। हरिसिंह नामक श्रमिक शराब पीने का आदि था। प्रार्थी एवं हरिसिंह एक ही कमरे में निवास करते थे। प्रार्थी के शराब पीने से हरिसिंह को मना करने पर उसने प्रार्थी के विरुद्ध झूठी शिकायत प्रस्तुत कर दी। प्रार्थी को सुनवाई का मौका नहीं दिया। एक पक्षीय विभागीय ब्यान लेकर जिरह का अवसर दिये बिना प्रार्थी को सेवामुक्त कर दिया।

प्रतिपक्षी ने उत्तर में अंकित किया है कि आरोप पत्र 29-7-92 सही तथ्यों के आधार पर जारी किया था। प्रार्थी चालक गाड़ी को बहुत तेज गति से चलाने लगा तब सहायक इंजिनियर द्वारा उसे गाड़ी धीमी करने का आदेश दिया। किन्तु उसने गाड़ी धीमी नहीं की। लापरवाही एवं गफलत से गाड़ी चलाने के कारण जीप सड़क छोड़ते हुए नाले में गिर गई। प्रार्थी ने जीप मे बैठे कन्हैयालाल को गाड़ी से बाहर निकालकर उसका गला दबाया तथा चार घोसे मारे। जिसे सहायक अभियंता ने छुड़ाया। प्रार्थी ने दण्डिक न्यायालय में अपने अपराध को स्वीकार किया। जिस पर उसे धारा 279ए 337 भारतीय दण्ड संहिता के अपराध का दोषी माना गया है। केन्द्रीय प्रशासनिक अधिकरण के निर्णय था 12-4-2000 पारित होने के बाद कोई विवाद शेष नहीं रहता है। उक्त निर्णय क्षेत्राधिकार के अभाव में नहीं था बल्कि गुणावगुण के आधार पर पारित किया गया था। प्रतिपक्षी के आदेश 10-8-92 को सही बताते हुए प्रार्थी की अपील खारिज की थी। प्रतिपक्षी ने प्रार्थी को सेवामुक्त करने से पूर्व एक माह की अग्रिम सूचना दी थी तथा एक माह का वेतन रुपये 1938 तथा छंटनी भत्ता 3535 सहित पूर्व आदेश दि. 10-8-92 की निरंतरता में प्रार्थी को कार्यभार मुक्त किया गया है। अत: प्रार्थी का कोई केस नहीं बनता है।

तदुपरांत मेरे विद्वान पूर्वाधिकारी आदेश दि. 9-10-2000 द्वारा उभयपक्ष का श्रवण कर विभागीय जांच का प्राकृतिक न्याय के सिद्धांतों के अनुरूप नहीं माना। अत: प्रतिपक्षी को आरोप पत्र के अनुच्छेदों को न्यायालय के समक्ष नवीन साक्ष्य प्रस्तुत कर सिद्ध करने के लिये अवसर दिया।

अत: प्रतिपक्षी ने शांतिलाल टेलर डी डब्ल्यू-1, मोहनसिंह करनावटडी डब्ल्यू-2, एस.पी. गोस्वामी डी. डब्ल्यू-3, एस.के. जावेरिया डी डब्ल्यू-4, कन्हैयालाल डी डब्ल्यू-5 के शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया। प्रलेखिय साक्ष्य में प्रदर्श एम-1 से एम-11 प्रलेखों की प्रतियां प्रदर्शित करवाकर प्रार्थी ने स्वयं का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया है। प्रलेखीय साक्ष्य में प्रदर्श डब्ल्यू-1 से प्रदर्श डब्ल्यू-19 प्रलेखों की फोटो प्रतियां प्रदर्शित करवाकर प्रस्तुत की हैं।

अभय पक्ष का श्रवण किया। पत्रावली का अवलोकन किया। प्रस्तुत आदेश द्वारा यह निर्णीत किया जाना है कि क्या प्रतिपक्षी ने आरोप पत्र प्रदर्श डब्ल्यू-8 में वर्णित आरोपों को सिद्ध किया है। उक्त आरोप पत्र में वर्जित अनुच्छेद के अनुसार प्रार्थी पर निम्न आरोप है:

1. क्या दि. 16-7-92 को बांसवाडा से सागवाडा जाते समय प्रार्थी ने जीप 3849 को तेज गति से चलाकर सागवाडा से डेढ किमी की दूरी पर दुर्घटनाग्रस्त कर दिया?
2. क्या प्रार्थी ने दुर्घटना के बाद मजदूर कन्हैयालाल के साथ दुर्व्यवहार किया और उसकी पिटाई की?
3. क्या पार्थी ने मजदूर हीरालाल के साथ गाली ग्लौच किया?
4. क्या सहायक अभियंता के गाड़ी ठीक से चलाने और गति कम करने के निर्देश पर भी प्रार्थी ने पालना नहीं की और दुर्व्यवहार किया?

5. क्या दुर्घटनाग्रस्त जीप को प्रार्थी ने रिपेयरिंग के लिये बांसवाड़ा लाने नहीं दिया ?

प्रार्थी ने आरोप पत्र का जवाब प्रदर्श डब्ल्यू-9 दि. 6-8-92को प्रस्तुत किया जिसमें अंकित किया कि प्रात: साढ़े ग्यारह बजे बांसवाड़ा से चलकर ढाई घण्टे में 52 किमी की दूरी तय कर दुर्घटनास्थल पर 2 : 00 बजे पहुंचा था। इस प्रकार वाहन की गति 23 किमी प्रति घण्टा दी थी जो अधिक नहीं कही जा सकती है। अन्य आरोपों से इंकार किया। दुर्घटनाग्रस्त जीप को प्रार्थी की प्राथमिकी पंजीकृत करवाये बिना बांसवाड़ा नहीं ले जाया जा सकता था।

जहां तक आरोप क्रम-5 का सम्बन्ध है वाहन के दुर्घटनाग्रस्त होने के पश्चात सहायक इंजिनियर श्री अमरसिंह ने प्राथमिकी पंजीकृत करवा दी थी । ऐसी स्थिति में वाहन का पुलिस द्वारा जप्त करना, मेकेनिकल मुआवना करवाना आवश्यक था। ऐसी स्थिति में प्रार्थी उक्त कार्यवाही के बिना वाहन को उच्चाधिकारियों के निर्देश पर बांसवाड़ा ले जाने में असमर्थ था। प्रार्थी द्वारा उक्त कारण से दुर्घटनाग्रस्त वाहन को तत्काल बांसवाड़ा ले जाने से इंकार करने का आधार उचित है। जहां तक आरोप संख्या-4 का प्रश्न है, इस सम्बन्ध में निर्देश देने वाले अधिकारी सहायक इंजिनियर अमरसिंह राठौड को प्रस्तुत नहीं किया है। प्रस्तुत नहीं करने के कारण प्रतिपक्षी ने नहीं बताया है। मौखिक रूप से प्रतिपक्षी के प्रतिनिधि अमरसिंह की मृत्यु होने का कथन विश्वसनीय नहीं है। इस प्रकार आरोप संख्या-4 सिद्ध नहीं है। इसी प्रकार आरोप संख्या-3 के सम्बन्ध में भी हीरालाल को प्रस्तुत नहीं किया गया है। अत: हीरालाल की साक्ष्य के अभाव में इस आरोप को भी सिद्ध नहीं माना जा सकता है।

आरोप संख्या-2 के सम्बन्ध में केवल कन्हैयालाल की साक्ष्य है। जिसने कथन किया है कि प्रार्थी ने वाहन दुर्घटनाग्रस्त होने के बाद उसका गला दबाकर ऊपर बैठकर घूंसे से पिटाई की। जिससे वह और ज्यादा घायल हो गया। जिसकी रिपोर्ट सहायक अभियंता ए.एस. राठौड को प्रदर्श एम-11 उसने की। प्रतिपक्षी ने कथन किया है कि उसके वाहन को धीरे चलाने का कथन करने पर दो चार घूंसे मारे थे। उसने इसकी शिकायत नहीं की थी। विभाग में भी उसने शिकायत नहीं की थी। घटना के तुरंत पश्चात् बांसवाड़ा थाने में प्राथमिकी पंजीकृत हुई थी उस प्राथमिकी में कन्हैयालाल के साथ मारपीट करने की बात अंकित नहीं है। कन्हैयालाल ने उसके साथ की गई मारपीट के सम्बन्ध में न कोई विभाग में शिकायत की और न ही कोई कानूनी कार्यवाही की। न ही कोई मेडिकल मुआयना करवाया। ऐसी स्थिति में कन्हैयालाल का यह कथन विश्वसनीय नहीं है। कन्हैयालाल के कथनों की सम्पुष्टि में सहायक इंजिनियर अमरसिंह और मजदूर हीरालाल के कथन भी नहीं करवाये हैं। अत: मेरे विनम्र मत में आरोप संख्या-2 भी सिद्ध नहीं है।

प्रस्तुत विवाद में प्रार्थी के विरुद्ध मुख्य आरोप संख्या-1 है। यह सुस्थापित विधि है कि वाहन को तेज चलाना कोई अपराध नहीं है। इस आरोप के अन्तर्गत मुख्य बिन्दु यह है कि क्या प्रार्थी वाहन को गफलत एवं अपेक्षापूर्ण ढंग से चलाकर दुर्घटनाग्रस्त किया। इस सम्बन्ध में प्रतिपक्षी की ओर से केवल कन्हैयालाल के कथन कराये गये हैं। जिसके विरुद्ध प्रार्थी ने अपनी साक्ष्य करवाई है। इस प्रकार शपथ के विरुद्ध शपथ है। अमरसिंह सहायक इंजिनियर या हीरालाल के इस बिन्दु पर कथन करवाये जाने चाहिये थे किन्तु प्रतिपक्षी ने उनके कथन नहीं करवाये। इनके कथन नहीं करवाये जाने का कोई कारण भी प्रकट नहीं किया। अत: कन्हैयालाल के कथन विश्वसनीय नहीं हैं। इसके विपरीत प्रार्थी का कथन है कि अमरसिंह ने उसे गाड़ी तेज चलाने को कहा था तो उसने जवाब दिया था कि गाड़ी सर्विस मांगती है, तो अमरसिंह ने उसे घूंसा मारा, जिसे बचाने में गाड़ी नाले में गिर गई।

प्रतिपक्षी के विद्वान अभिभाषक का इस बिन्दु पर तर्क है कि प्राथमिक पंजीबद्ध करवाने के पश्चात प्रार्थी के विरुद्ध आरोप पत्र प्रस्तुत किया। जिसमें प्रार्थी के अपराध स्वीकारोक्ति के आधार पर दाण्डिक न्यायालय ने प्रार्थी को धारा 279, 337 भारतीय दण्ड संहिता के अपराध का दोषी मानकर धारा 3 परीवीक्षा अधिनियम के अन्तर्गत प्रताड़ित किया है। अत: उनका तर्क है कि प्रार्थी के अपरोध स्वीकारोक्ति के आधार पर आरोप संख्या-1 सिद्ध है। मैंने इस तर्क पर विचार किया एवं दाण्डिक न्यायालय के आदेश का अवलोकन किया। दाण्डिक न्यायालय ने लोक अदालत की भावना से प्रार्थी के अपराध स्वीकारोक्ति का प्रार्थना पत्र प्रस्तुत करने और उसके आने जाने में कठिनाई का सामना करने पर लोक अदालत की भावना से यह आदेश पारित किया था। प्रार्थी ने अपने प्रतिपरीक्षण में भी इस बात को स्वीकार किया है। मेरे विनम्र मत में इस बिन्दु पर इस विभागीय जांच में स्वतंत्र रूप से निर्णय पारित किया जा सकता है। क्योंकि दण्डादेश का आधार दाण्डिक न्यायालय के निर्णय को नहीं बनाया गया है। दाण्डिक न्यायालय ने भी अपने निर्णय में प्रार्थी को राजकीय सेवा में होने के कारण पेशियों में आने में कठिनाई होने का कथन अंकित किया है। अत: लोक अदालत की भावना पर निर्णय पारित किया है। परीवीधा का लाभ दिये जाने पर राजकीय सेवा में कोई विपरीत प्रभाव नहीं पड़ता है। यह मोरल टरपिट्यूट (Moral turpitude) का भी केस नहीं है। मेरे विनम्र मत में इस जांच में आरोप संख्या-1 भी प्रार्थी के विरुद्ध सिद्ध नहीं है।

जहां तक प्रतिपक्षी के विद्वान अभिभाषक के केन्द्रीय प्रशासनिक अधिकरण के निर्णय के रेस्जूडिकेटा का प्रभाव रखने के तर्क का सम्बन्ध है, केन्द्रीय प्रशासनिक अधिकरण ने प्रार्थी को केजुअल लेबर माना है और 'सरकारी सेवक' नहीं माना। अत: उक्त अधिकरण का क्षेत्राधिकार नहीं है। उक्त अधिकरण के निर्णय से यह श्रम न्यायालय बाध्य नहीं है। अत: प्रतिपक्षी के इस तर्क को अस्वीकार किया जाता है।

अंत में मैं इस निष्कर्ष पर पहुंचा हूं कि प्रार्थी की सेवामुक्ति के सम्बन्ध में प्रारम्भ में दि. 10-8-92 को एक माह का नोटिस दिया तथा जिसके विरुद्ध प्रार्थी द्वारा स्थगन ले लेने पर और स्थगन आदेश के 26-9-94 को वेकेंट होने पर 26-9-94 को ही सेवामुक्त किया। जिसके साथ एक महीने का कम्पनसेशन रुपये 1938 इस आदेश के साथ ही भुगतान करना अंकित किया। यह आदेश पूर्व आदेश दि. 10-8-92 की निरंतरता में होना इस आदेश में अंकित नहीं है। अत: उक्त आदेश की निरंतरता में यह आदेश नहीं माना जा सकता है। 26-9-94 के इस आदेश में एक महीने के कम्पनशेसन के रुपये 1938 भुगतान किया जाना अंकित है। किन्तु यह राशि किस पेटे है यह स्पष्ट नहीं किया। एक महिने के नोटिस के बदले यह राशि हो यह अंकित नहीं किया है।

क्षतिपूर्ति की राशि का भी इस आदेश में उल्लेख नहीं है। इस आदेश के साथ राशि का कोई ड्राफ्ट संलग्न होने का भी उल्लेख नहीं है। प्रतिपक्षी की प्रलेख प्रदर्श एम-11 में यह अवश्य अंकित है कि प्रार्थी ने सेवामुक्ति आदेश ले लिया, किन्तु भुगतान नहीं लिया। प्रदर्श एम-13 के अनुसार भुगतान नहीं देने से 27-9-94 को 1938 रुपये का मनीआर्डर करवाया गया। प्रतिपक्षी के पत्र प्रदर्श एम-15 के अनुसार दिसम्बर 85 से 17-1-94 तक के 2808 रुपये और 21-2-94 से 26-9-94 तक के रुपये 727 कुल रुपये 3535 क्षतिपूर्ति की राशि पत्र दि. 3-10-94 से प्रेषित की गई है। जबकि यह राशि सेवामुक्ति के आदेश दि. 29-9-94 के साथ ही प्रेषित की जानी चाहिये थी। इस प्रकार सेवामुक्ति आदेश अवैध है।

प्रतिपक्षी के साक्षी डी.डब्ल्यू-1 से डब्ल्यू-4 प्रार्थी के पूर्व आचरण के सम्बन्ध में है, किन्तु प्रार्थी के पूर्व आचरण का उल्लेख आरोप पत्र में नहीं है। अत: उनके कथन अपठनीय हैं ।

फलत: प्रार्थी का सेवामुक्ति आदेश अवैध एवं अनुचित है। प्रार्थी इसी पद पर पुनर्स्थापित होने योग्य है। समस्त तथ्यों एवं परिस्थितियों को मध्य नजर रखते हुए प्रार्थी को गत वेतन भत्ते दिलाये जाने का औचित्य नहीं है।

आदेश

फलत: विवाद का उत्तर इस प्रकार दिया जाता है कि सब-डीवीजनल इंजिनियर, ओ एफ सी, मेंटिनेंस उदयपुर द्वारा श्रमिक नारायण सिंह पुत्र मोहन सिंह केजुअल ड्राइवर की सेवा समाप्ति का आदेश दिनांक 26-9-94 अवैध एवं अनुचित है। प्रतिपक्षी प्रार्थी को अवार्ड के प्रकाशन के पश्चात तीन माह में प्रार्थी को उसी पद पर पुनर्स्थापित करें जिस पद से उसकी सेवाएं समाप्त की। समस्त तथ्यों एवं परिस्थितियों को मध्य नजर रखते हुए सेवामुक्ति से पुन:स्थापन के मध्य के वेतन भत्ते प्रार्थी प्राप्त करने का अधिकारी नहीं है।

जी. एस. शेखावत, न्यायाधीश

नई दिल्ली, 12 जुलाई, 2006

का. आ. 3070.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ एक्जीक्यूटिव आफिसर, कटक मण्डल, नसीराबाद के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-7-2006 को प्राप्त हुआ था।

[सं. एल-14011/37/2001-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 12th July, 2006

S.O. 3070.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court-cum-Industrial Tribunal, Ajmer as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chief Executive Officer, Katak Mandal, Nasirabad and their workmen, which was received by the Central Government on 12-07-2006.

[No. L-14011/37/2001-IR (DU)]
SURENDRA SINGH, Desk Officer

अनुबन्ध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठासीन अधिकारी : श्री जी. एस. शेखावत,
आर एच जे एस

प्रकरण संख्या-सी. आई. टी. आर.-04/02

[रेफरेंस नं. एल-14011/37/2001-आई आर (डीयू)
दिनांक 8-5-2002]

श्री रामदयाल गुर्जर पुत्र श्री लालाराम गुर्जर, ग्राम नांदला, जिला अजमेर ...प्रार्थी

बनाम

दी एक्जीक्यूटिव ऑफिसर, कटक डिवीजन, नसीराबाद ...अप्रार्थी

उपस्थित :

श्री अशोक माथुर, अधिवक्ता, प्रार्थी ।

श्री रामस्वरूप, राजकी, अधिवक्ता, अप्रार्थी ।

दिनांक 02-06-2006

अवार्ड

केन्द्र सरकार द्वारा प्रेषित विवाद निम्न प्रकार है :—

"Whether the action of the management of Chief Executive Officer, Katak Mandal, Nasirabad in terminating the services of Shri Ram Dayal Gurjar S/o Shri Lalaram Gurjar w.e.f. 01-11-2001 is justified and legal ? If not to what relief the workman is entitled ?"

नोटिस के उपरांत उभयपक्ष उपस्थित आये । प्रार्थी ने क्लेम के विवरण में अंकित किया है कि उसके पक्ष में आवर्ड पारित किया जावे कि विपक्षी द्वारा उसकी सेवामुक्ति दि. 1-11-2002 से करना उचित एवं विधिक नहीं है अत: वह दि. 1-11-2002 से समस्त वेतन लाभ स्थाई कर्मचारी के प्राप्त करने का अधिकारी है, साथ ही इस रेफरेंस के खर्चे की भी मांग की है क्योंकि प्रार्थी अप्रार्थी के यहां लगातार दि. 1-9-1996 से चतुर्थ श्रेणी कर्मचारी के पद पर उसके पिता की एवज में (देहांत के कारण) पूरी मेहनत से 1-9-1996 से 1-11-2002 तक 240 दिन से अधिक कार्य किया । प्रार्थी को हटाने से पूर्व सुनवाई का मौका, मुआवजा,

नहीं दिया न ही वरिष्ठता सूची बनायी । अत: विपक्षी द्वारा की गयी सेवामुक्ति के आदेश पूर्णतया अनाधिकृत व अवैध हैं ।

अप्रार्थी ने अपने जवाब में अंकित किया है कि प्रार्थी का क्लेम खारिज किया जावे क्योंकि प्रार्थी को निर्धारित समय के लिए रखा था । उसने 240 दिन कार्य नहीं किया । प्रार्थी को दैनिक वेतन भोगी कर्मचारी के रूप में लगाया था । प्रार्थी का मामला अन्य प्रार्थियों से भिन्न है । प्रार्थी पुन: सेवा में व समान वेतन का किसी भी सूरत में अधिकारी नहीं है । विधिक रूप से अड़चन आ जाने के कारण प्रार्थी को उसके पिता के स्थान पर नौकरी पर नहीं लिया जा सकता । अत: प्रार्थी को नौकरी में आने का अधिकार नहीं है ।

प्रार्थी को शपथ पत्र पेश करने हेतु कई मौके दिये गये किंतु उसने शपथ पत्र पेश नहीं किया, अत: उसका अवसर दि. 1-9-2005 को बंद किया गया । अप्रार्थी की ओर से श्री विषणुलाल तंवर, भू अभिलेख निरीक्षक, छावनी परिषद्, नसीराबाद ने शपथ पत्र पेश किया जिस पर प्रार्थी पक्ष द्वारा जिरह की गयी । प्रार्थी की ओर से कोई दस्तावेजी साक्ष्य भी प्रस्तुत नहीं की गयी ।

उभयपक्ष का श्रवण किया, पत्रावली का अवलोकन किया । प्रार्थी द्वारा कोई साक्ष्य (मौखिक/दस्तावेजी) प्रस्तुत नहीं करने एवं अप्रार्थी पक्ष द्वारा उसके साक्षी विष्णु लाल द्वारा प्रतिपरीक्षण में प्रार्थी द्वारा 240 दिन काम नहीं करना जाहिर करने के कारण प्रार्थी अपना केस सिद्ध करने में विफल रहा है । अत: उपरोक्त तथ्यों एवं परिस्थितियों में प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है ।

आदेश

फलत: प्रस्तुत विवाद का उत्तर इस प्रकार से दिया जाता है कि प्रार्थी राम दयाल गुर्जर पुत्र श्री लालाराम गुर्जर अप्रार्थी एक्जीक्युटिव ऑफिसर, कटक मंडल, नसीराबाद से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है । अप्रार्थी द्वारा प्रार्थी को दि. 1-11-2000 से सेवामुक्त किया जाना वैध एवं उचित है ।

जी. एस. शेखावत, न्यायाधीश

नई दिल्ली, 12 जुलाई, 2006

का. आ. 3071.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसूर मिनरल्स लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 06/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-29011/53/2003-आई आर (विविध)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 12th July, 2006

S.O. 3071.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 06/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Mysore Minerals Ltd. and their workmen, which was received by the Central Government on 11-07-2006.

[No. L-29011/53/2003-IR (M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, the 23rd June, 2006

PRESENT:

Shri A. R. Siddiqui, Presiding Officer

C.R. No. 6/2004

I PARTY	II PARTY
Shri Chowdappa, S/o. Kariyappa, Mysore Minerals Limited, Nuggehalli Post, C.R. Patna Taluk, Hassan, KARNATAKA STATE	The Managing Director, Mysore Minerals Limited, No. 39, M.G. Road, BANGALORE-560001

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-29011/53/2003-IR(M) dated 20th January, 2004 for adjudication on the following schedule :

SCHEDULE

"Whether the management of 'Mysore Minerals Limited' is justified in terminating the services of Shri Chowdappa, Assistant Mechanic, Jambur Chromite Mines w.e.f. 5-5-2002 ? If not, to what relief, the workman is entitled to ?"

2. The first party by his Claim Statement, while challenging the order of dismissal dated 7-3-2003 and 18-3-2003 also challenged the enquiry proceedings as suffering from violation of principles of natural justice and attacked the enquiry findings as perverse and arbitrary.

3. The management by its Counter Statement on the other hand contended that the order terminating the services of the first party have been made on the basis of the enquiry findings holding him guilty of the charges of misconduct of unauthorized absence and the enquiry proceedings were conducted against the first party by giving him sufficient and reasonable opportunity to appear before the enquiry officer and to participate in the proceedings.

In the light of the aforesaid contentions of the parties, a preliminary issue dated 14-9-2004 was framed as under :—

"Whether the Domestic Enquiry Conducted against the First Party by the Second Party is fair and proper".

5. Today when the matter was taken up before the Lok Adalat, the first party and the Law Officer, one Mr. M. G. Basavarajappa representing the management have appeared and have filed a joint memo, wherein the management and the first party workman have agreed to the effect that the first party workman shall be given his reinstatement without back wages and prayed to pass the necessary award. Therefore, in the light of the aforesaid joint memo, following award is passed :—

AWARD

The management is directed to reinstate the first party workman in service forthwith without back wages from the date of termination order till the date of his reinstatement with consequential benefits. No costs.

(Dictated to PA, transcribed by her, corrected and signed by me, on 23rd June, 2006).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 12 जुलाई, 2006

का. आ. 3072.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. पूर्णा स्टोन माइंस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 784/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-29012/3/2001-आई आर (विविध)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 12th July, 2006

S.O. 3072.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 784/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of M/s. Poorna Stone Mines and their workman, which was received by the Central Government on 11-07-2006.

[No. L-29012/3/2001-IR (M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT:

Shri B. I. Kazi (B.Sc., L.L.M.), Presiding Officer

Industrial Dispute (Reference C.G.I.T.A.) No. 784/2004

Old (I.T.C.) No. 33/2002

M/s. Poorna Stone Mines,
Jainpura, Udalpuri,
Talku Salvi, Distt. Baroda,
Baroda. ... First Party

V/s.

The General Secretary,
Gujarat Rajya Quarry Kamdar Sangh,
C/o. Majoor Mahajan Sangh,
Gandhi Majoor Sevalaya Bhadra,
Ahmedabad,
Gujarat-380 001. ....Second Party

APPEARANCES:

First Party : (Absent)

Second Party : (Absent)

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-29012/03/2001-[IR(M)] dated 2-5-2002 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the Management of M/s. Poorna Stone Mines in terminating the service of Shri Makrani Abdul Hakim Fateh Mohamed and 20 Others (List enclosed) is legal proper and justified ? If not, to what relief the concerned workmen are entitled to and what other directions are necessary in the matter ?"

2. The second party was issued a notice to file the statement of claim by this Tribunal on 11-12-2003. The date to file the statement of claim was 09-02-2004. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

3. However, the proper opportunitty was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 1 year 7 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the Management of M/s. Poorna Stone mines in terminating the service of Shri Makrani Abdul Hakim Fateh Mohamed and 20 Others (List enclosed) is legal proper and just. The concerned workmen are not entitled to get any relief. The reference is hereby rejected for want of prosecution. No Order as to cost.

Date : 12-10-2005
Ahmedabad B. I. KAZI, Presiding Officer

नई दिल्ली, 12 जुलाई, 2006

का. आ. 3073.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट (संदर्भ संख्या 100/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-2006 को प्राप्त हुआ था।

[सं. एल-17012/10/1999-आई आर (बी-II)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 12th July, 2006

S.O. 3073.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 100/99) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of L.I.C. of India and their workman, which was received by the Central Government on 11-07-2006.

[No. L-17012/10/1999-IR (B-II)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, the 21st June, 2006

PRESENT:

A. R. Siddiqui, Presiding Officer

C.R. No. 100/99

I PARTY	II PARTY
Shri M. Chandrasekhar, S/o M. Ananthaswamy, 375/1, Girls School Road, 1st Cross, Chikkaballapur, KOLAR-562101, KARNATAKA STATE	The Sr. Divisional Manager, Life Insurance Corporation of India, Divisional Office-II Jeevan Jyoti, P.B. No. 3827, Indiranagar, II Stage, BANGALORE-560038.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-17012/10/99/IR(B-II) dated 10th August, 1999 for adjudication on the following schedule :

SCHEDULE

"Whether the termination of Shri Chandrasekhar, wokman by the management of Life Insurance Corporation of India is justified ? If not, what relief the workman is entitled to ?"

2. A charge sheet dated 17th June, 1994 came to be issued to the first party workman as under :—

"You Shri M. Chandrashekar, SR No. 506394, HGA, Branch Officer, Chickballapur are hereby charged as under :—

That while working as HGA in the cash counter at Chickballapur Branch on 11-03-1994, you unauthorisedly removed sum of Rs. 39,149.20 by cash from the office cash box for your personal use, while the AAO, Shri H. Prabhakar and officiating Cashier Ms. H. Chandrakala were away from the counter.

That the cash amount of Rs. 39,149.20 unauthorisedly removed by you was recovered on 23-03-1994 from your residence by the police at about 4.30 P.M. at Chickballapur, as per the Mahajar dated 23-03-1994;

That you were taken to judicial custody on 23-03-1994 at about 2 P.M. and released on bail on 24-03-1994 at 11.00 A.M.;

That you have thus committed a grave misconduct of unauthorisedly removing cash of Rs. 39,149.20 belonging to the Corporation for your personal gains and thereby causing financial loss to the corporation to the tune of Rs. 39,149.20.

By your aforesaid act you have failed to maintain absolute integrity and devotion to duty, failed to serve the corporation honestly and faithfully, acted in a manner detrimental to the interest of the Corporation and prejudicial to good conduct and thereby committed breach of Regulations 21 and 24 read with Regulation 39(1) of LIC of India (Staff) Regulations, 1960 for which any one or more of the penalties specified under Regulation 39(1)(a) to (g) of the aforesaid (Staff) Regulations, 1960 can be imposed on you.

However, before I proceed further in the matter, you are hereby directed to state in writing, within a period of fifteen days from the date thereof, as to whether or not you plead guilty to the charges mentioned above. If you admit the charges, a statement of admission and, if not a statement of denial should be submitted to the undersigned within fifteen days from the date of receipt of this charge sheet together with a list of witnesses through whom as also a list of documents by which you would like to defend yourself.

Please note that if your written statement along with a list of witnesses and documents as mentioned above is not received by the undersigned, within the period stipulated, or if your statement of denial is not found to be satisfactory, further proceedings in the matter shall ensure according to the Life Insurance Corporation of India (Staff) Regulations, 1960 and other standing instructions.

As Provisional list of documents/ witnesses relied upon to prove the aforesaid charge is attached herewith."

3. The explanation offered by the first party to the charge sheet not being found satisfactory, enquiry was held against him and on finding him guilty of the charges, he was removed from service.

4. The first party workman by his Claim Statement while challenging the punishment imposed upon him removing him from service vide order dated 8-9-1997 also challenged the enquiry proceedings as suffering from violation of principles of natural justice and further attacked the enquiry findings holding him guilty of the charges of misconduct as perverse and arbitrary.

5 The management by its Counter Statement however, asserted and maintained that all reasonable opportunity was given to the first party in conducting the enquiry proceedings and it is based on the enquiry findings holding him guilty of the charges as alleged in the charge sheet, he was rightly and legally removed from the service and that the punishment of removal from service is proportionate to the misconduct committed by the first party.

6. Keeping in view the respective contentions of the parties, a question with regard to the fairness and legality or otherwise of the enquiry proceedings was taken up for trial in the first instance. During the course of trial of the said issue, the management examined the enquiry officer and got marked 14 documents at Ex. M1 to M14 and whereas, the first party examined himself without getting marked any document.

7. After hearing the learned counsels for the respective parties, this tribunal by order dated 25-4-2005 recorded a finding on the above said preliminary issue holding that the enquiry conducted against the first party by the second party was not fair and proper and the matter came to be posted for arguments, if any.

8. On 6th June, 2005, the management filed an application under Section 11 read with Section 14 of the I.D. Act and under Section 151 CPC requesting this court to permit the management to adduce evidence afresh in order to prove the charges of misconduct levelled against the first party so as to justify the order of removal from service passed against the first party. This application was resisted by the first party and after hearing the learned counsels for the respective parties, this tribunal by order dated 6th September, 2005 rejected the above said application mainly on the ground that the management in its Counter Statement has not reserved its right to lead fresh evidence on merits, in case, the DE held against the first party is held to be not fair and proper. This order of the tribunal as could be seen from the records was challenged by the management in Writ Petition No. 23303/05(L-RES). His Lordship of Hon'ble High Court vide order dated 9th September 2005 while dismissing the above said Writ Petition confirmed the orders of this tribunal in rejecting the request of the management for adducing additional evidence to prove the charges of misconduct levelled against the first party.

9. The Second Party management, then, challenged the above said orders of Hon'ble single judge in a Writ Appeal No. 367.2006 (L-RES). Their Lordship of Hon'ble High Court sitting in the Division Bench upheld the aforesaid orders, of single judge which in turn upheld the orders of this tribunal rejecting the reference of the management for leading fresh evidence on merits.

10. A copy of the orders in the said Writ appeal was produced before this tribunal on 19th June 2006 by the learned counsel for the first party in the presence of learned counsel for the management. In his argument learned counsel for the first Party submitted that since the charges of misconduct have not been proved against the first party, orders removing him from service does not survive and therefore, he may be reinstated in service along with back wages, continuity of service and other benefits. Whereas, learned counsel for the management submitted that his written arguments filed on 22nd May 2006, may be considered while passing the award.

11. As seen above, after the orders on Domestic Enquiry were passed by this tribunal holding the enquiry proceedings not fair and proper and the matter came to be posted for argument. Learned counsel for the management filed an application seeking permission of this tribunal to lead evidence afresh in order to substantiate the charges of misconduct levelled against the first party. As noted

above, this tribunal rejected the said application and thereafter the writ petition as well as writ appeal, filed by the management challenging the orders of this tribunal, have been dismissed upholding the orders passed by this tribunal. Now, therefore, as contended for the first party when the enquiry proceedings have been set aside as defective, the findings of the enquiry officer holding the workman guilty of the charges, no more, hold the field and in the result the order passed by the management removing the first party from his services also goes away. In the result the position as on today will be that the management failed to substantiate the charges of misconduct levelled against the first party. The written arguments filed on behalf of the management are once again the repetition of the various contentions taken by it in the Counter Statement emphasizing on the point that the first party committed gross misconduct and the charges of misconduct have been proved during the course of enquiry giving all fair and reasonable opportunity to the first party. These contentions rather the arguments advanced on behalf of the management by way of written brief, hold no water as enquiry proceedings itself have been set aside and in the result findings of the enquiry officer holding the first part guilty of the charges and the order passed against the first party removing him from service stand no more. Therefore, since the charges of misconduct have not been proved and impugned punishment order passed against the first party survives no more, the natural corollary would be the reinstatement of the workman into the post he held at the time of termination of his services.

12. Now the next question to be considered would be about the payment of back wages and other attended benefits. Neither, the management nor the first party have come forward and adduced any oral or documentary evidence on the point of gainful employment of the first party during the period he was away from the service of the management. Of course, the primary burden to prove that the first party has been gainfully employed so as to disentitle him in getting the back wages cast upon management but at the same time it was also incumbent on the part of the first party to have made out a case before this tribunal that from the day he was removed from service he has not been gainfully employed and that he had made sincere effort in seeking the job, elsewhere. Therefore, keeping in the view the latches both on the part of the management as well as on the part of the workman on the point of gainful employment or otherwise of the first party and in view of the fact that the management in this case is to fail solely for the reason that it did not reserve its right to lead fresh evidence on charges of misconduct in case DE was held to be not fair and proper, it appears to me that ends of justice will be made if the first party workman is reinstated in service with 70 per cent of the back wages from the date of the impugned punishment order till the date he is reinstated in service with continuity of service and other consequential benefits. Hence the following Award :—

AWARD

The management is directed to reinstate the first party into its service with 70 per cent back wages from the date of the impugned punishment order till the date he is reinstated in service with continuity of service and other consequential benefits. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 21st June, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 12 जुलाई, 2006

का. आ. 3074.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी., लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहदाबाद के पंचाट (संदर्भ संख्या 1357/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-07-2006 को प्राप्त हुआ था।

[सं. एल-30012/21/2001-आई आर (विविध)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 12th July, 2006

S.O. 3074.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1357/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ONGC, Ltd. and their workman, which was received by the Central Government on 11-07-2006.

[No. L-30012/21/2001-IR (M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT

SHRI B. I. KAZI (B. Sc., LL. M), Presiding Officer

INDUSTRIAL DISPUTE (REFERENCE C.G.I.T.A.) No. 1357/2004

OLD (I.T.C.) No. 11/2001

1. The Group General Manager,
   Hazira, Project,
   P.O. Bhatpore,
   Surat (Gujarat)-394518.

2. M/s. Airon Corporation
Rajmahal Road,
Rhode's Kancha Corner,
Baroda First Party

V/s.

Shri Shailesh Kumar Mangubhai Soni
Parsi Faliya, Borbhattha,
Taluka Choriysai,
Dist. Surat.
Surat (Gujarat) Second Party

APPEARANCE

First Party : Shri Nilam B. Shan

Second Party : Shri Subhash T. Chaudhry

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by order No. L-30012/21/2001-IR (M) dated 22-03-2001 to this Tribunal for adjudication the terms of reference is as under :

SCHEDULE

"Whether the action of the Management of ONGC Ltd. through its contractor M/s. Airon Corp. in terminating the services of Sh. Shalish Kumar Mangubhai Soni Attendant/Operator (A/C Plant) w.e.f. 30-11-2000 is proper and justified ? if not, to what relief the concerned workman is entitled ?"

2. Whether the action of the demand of the workman Shri Shailesh Kumar Mangubhai Soni in considering his as direct/regular employee of ONGC Ltd., w.e.f. the date of his entry in the services is legal, proper and justified ? If so, to what relief the concerned workman is entitled to and from which date and what other directions are necessary in the matter ?

3. The second party was issued a notice to file the statement of claim by this Tribunal on 23-07-01. The date to file the statement of claim was 27-08-2001. The appropriate Government has also directed the second party who has raised the dispute to file a statement of claim with relevant document and list of reliance and witness to the Tribunal within 15 days of the receipt of the order.

4. However, the proper opportunity was given by this Tribunal to file a statement of claim to the second party. The second party failed to submit a statement of claim after 5 years & 5 months from the date of reference. Thus this Tribunal has reason to believe that the second party is not interested in the dispute. Thus the concerned workman failed to prove this case.

Looking to the above observations I hereby pass the following order :

ORDER

The action of the Management of ONGC Ltd. through its contractor M/s. Airon Corp. in terminating the services of Sh. Shalishkumar Mangubhai Soni Attendant/Operator (A/C Plant) w.e.f. 30-11-2000 is proper and just. The demand of the workman Shri Shalishkumar Mangubhai Soni in considering his as direct/regular employee of ONGC Ltd., w.e.f. the date of his entry in the services is illegal, improper and unjust. The concerned workman is not entitled to get any relief. The reference is hereby rejected for want of prosecution. No order as to cost.

Date : 08-03-2006 B. I. KAZI, Presiding Officer
Ahmedabad.

नई दिल्ली, 13 जुलाई, 2006

का. आ. 3075.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेन्ट ऑफ टेलीकॉम ट्रैफिक एण्ड डिवीजनल इंजीनियर (रूरल) के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/48/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-07-2006 को प्राप्त हुआ था।

[सं. एल-40011/42/2003-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th July, 2006

S.O. 3075.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/48/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sr. Supdt. of Telecom Traffic and Divisional Engineer (Rural) and their workman, which was received by the Central Government on 13-07-2006.

[No. L-40011/42/2003-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/48/2004

SHRI C. M. SINGH, Presiding Officer

Shri Saket Shukla, District Secretary,
B. S. N. L. Workers Union,
General Manager, Telecom,
CTO Compound, Jabalpur,
Jabalpur Workman/Union

Versus

The Chief Engineer,
Telegraphic Communication &
Divisional Engineer (V)
Miloniganj, Jabalpur
Jabalpur. · Management

AWARD

Passed on this 29th day of June, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-40011/42/2003-IR(DU) dated 19-4-04 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the Management of Senior Supdt. of Telecom Traffic and Divisional Engineer (Rural), Miloniganj, Jabalpur in transferring Sh. R. K. Tiwari, SSS(O) from Departmental Targhar, Premnagar to Customer Service Centre, Miloniganj, being a member of minority labour union is just ? If not, to what relief the concerned workman is entitled to ?"

2. The case of the workman in brief is as follows. That workman Shri R. K. Tiwari, SSS(O) is a member of unrecognised National Union of BSNL Workers (FNTO). The management has been unnecessarily harassing him and had transferred him from Department of Targhar, Premnagar to Customer Service Centre, Miloniganj vide order dated 15-11-2002. Prior to his transfer Sarva Shri Amit Saveria—Sr. T.O.A, Chakresh Akhepuria—Sr. T.O.A and B. L. Vishwakarma were ordered to be transferred to the aforesaid place where the workman was transferred by the management but they later were exempted from joining at that place and in their place, the workman was transferred. The Supdt. of Central Telegraph Office, Jabalpur had invited letters of willingness from those employees who were willing to work at that place by 3-9-02. On not receiving any letter of willingness from any employee till the date fixed, the workman was transferred to the said place. Though in that situation, the transfer of an employee should have been done considering his seniority/juniority according to rules. Without determining any policy for the transfer, it was wrong to transfer a person in the aforesaid situation. There are several employees in the gradation list senior and junior than the workman but none of them was transferred and the workman was picked up from the mid of the serial and was transferred. There was no departmental complaint against the workman. Considering his work, the incharge, departmental telegraph office, Premnagar had recommended to the management for cancellation of tansfer order of the workman. It is prayed by the workman in his statement of claim that the Act of his transfer done by the management be cancelled.

3. Vide order dated 3-3-05 of this tribunal, the reference proceeded ex parte against the management.

4. Workman Shri R. K. Tiwari filed his affidavit in support of his case.

5. I have heard workman Shri R. K. Tiwari in person. I have gone through the entire evidence on record.

6. The case of workman Shri R. K. Tiwari is fully proved from his uncontroverted affidavit on record. Against it, as the case proceeded ex parte against the management, there is no evidence of management on record. It is, therefore, held that the action of management of Senior Supdt. of Telecom, Traffic and Divisional Engineer (Rural), Miloniganj, Jabalpur in transferring Sh. R. K. Tiwari, SSS(O) from Departmental Targhar, Premnagar to Customer Service Centre, Miloniganj, being a member of minority labour union is unjust and he is entitled to the relief claimed that his transfer order be cancelled, if he has not yet joined at customer service centre, Miloniganj and in case he has joined there, he may be retransferred from that place by the management according to rules.

7. In view of the above, the reference is decided in favour of the workman and against the management holding that the action of management of Senior Supdt. of Telecom Traffic and Divisional Engineer (Rural), Miloniganj, Jabalpur in transferring Sh. R. K. Tiwari, SSS(O) from Departmental Targhar, Premnagar to Customer Service Centre, Miloniganj, being a member of minority labour union is unjust and his transfer order made by the management is hereby cancelled in case he has not yet joined at customer service centre, Miloniganj and if he has already joined there, he may be retransferred from that place by the management according to rules. The reference is decided accordingly in favour of the workman with costs.

8. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 13 जुलाई, 2006

का. आ. 3076.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक नोट प्रेस, देवास के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/55/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-07-2006 को प्राप्त हुआ था।

[सं. एल-16011/08/1999-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th July, 2006

S.O. 3076.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/55/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers

in relation to the management of Bank Note Press, Dewas and their workman, which was received by the Central Government on 13-07-2006.

[No. L-16011/08/1999-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/55/2000

SHRI C. M. SINGH, Presiding Officer

General Secretary,
Bank Note Mudranalaya Karmchari Congress,
13, Lakshmi Nagar, Bhosle Colony,
BNP Road, Dewas (MP) Workman/Union

Versus

General Manager,
Bank Note Press,
Dewas (MP) Management

AWARD

Passed on this 29th day of June, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-16011/08/1999-IR(DU) dated 17-2-2000 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of General Manager, Bank Note Press, Dewas in giving promotion to junior by superceding senior in R/o Sh. K. T. Sonewane is legal and justified ? If not, to what relief the workman is entitled ?"

2. After the reference order was received, it was duly registered on 13-3-2000 and notices were issued to the parties to file their respective statements of claim. In response to the notice Shri R. C. Shrivastava, Advocate appeared for the workman on 9-5-05 and requested for time for filing statement of claim on behalf of workman. It was ordered that the statement of claim be filed by the workman by 5-8-05. It was also ordered that the notice of the date fixed be issued to the management. On the next date i.e. 5-8-05, no one responded for the parties and last opportunity was provided to the workman to file statement of claim on 6-12-2005. Again on 6-12-2005 the date fixed in the reference, no one responded for the parties therefore it was again ordered to issue notice to the parties by registered AD post fixing 20-2-06 for filing statement of claim by workman. On 20-2-06, the Advocates abstained from work as on that day they were busy in a meeting of Bar Association and therefore the case was adjourned to 28-6-06 for filing statement of claim by workman. On 28-6-06, no body responded for the parties inspite of sufficient service of notice on the parties by registered AD post. Under the above circumstances this tribunal was left with no other alternative except to close the reference of passing no dispute award and in this manner this reference was closed for passing no dispute award.

3. From the above it appears that the parties have no interest in this reference as neither the workman turned up for filing his statement of claim nor the management appeared for filing their statement of claim if any inspite of sufficient service of notice on each of them. Under the circumstances, it is very clear that the parties have no interest in this reference. Therefore no dispute award is passed without any orders as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 13 जुलाई, 2006

का. आ. 3077.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल सिल्क बोर्ड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 51/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-07-2006 को प्राप्त हुआ था।

[सं. एल-42012/120/1992-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th July, 2006

S.O. 3077.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/1993) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 13-07-2006.

[No. L-42012/120/1992-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

CAMP COURT AT DEHRADUN

BEFORE SHRI S. S. BAL : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 : NEW DELHI

I. D. No. 51/93

In the matter of dispute between :

Shri Gopal Krishan Driver,
S/o. Shri Satya Saran Sharma,
12, New Cantt. Road, Hathi Barkala,
Dehradun-248001. Workman

Versus

The Deputy Director,
National Silkworm Seed Project,
Central Silk Board,
Regional Office, Mohit Nagar,
General Mahadeo Singh Road,
P.O. New Forest—
Dehradun-248006 Management

APPEARANCES

Shri Virender Bhandari A/R for workman,

Shri Jog Singh Advocate A/R for management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/120/92-IR(DU) dated 6-7-93; 21-7 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Silk Board, National Silkworm Seed Project, in terminating the services of Shri Gopal Krishan Driver is legal and justified ? if not, what relief he is entitled to ?"

2. After receipt of reference notices were issued to the parties and the workman filed claim statement praying to hold that the action of the management in terminating the services of Shri Gopal Krishna, Driver is illegal and unjustified and to give its award granting the following reliefs to the workman :

(1) quash and set aside the impugned order dated 26-5-87 for the realisation of Rs. 1155.20p towards repairing charges of Jeep No. CAL 3385 from the workman;

(2) quash and set aside the impugned order of termination of services of the workman dated 1-6-87 purporting to have terminated the services of the workman with immediate effect:

(3) Reinstatement of the workman retrospectively from the date of termination with full back wages and other consequential benefits.

(4) Grant of C. L. applied for on 30-5-87 and release of salary for the month of May, 1987 which has not been paid till date.

(5) Interest at market rate on all the arrears that would become due to the workman in consequence thereof.

(6) Entire costs of legal proceedings before the Hon'ble High Court, before the Central Administrative Tribunal before the A.L.C. (C) and before this Hon'ble Tribunal.

(7) Any other reliefs and benefits that this Hon'ble Tribunal may deem proper, expedient and necessary in the facts and circumstances of the instant industrial dispute.

3. Management filed written statement denying the facts stated in the claim statement and prayed that the claim be dismissed.

4. Workman filed rejoinder in which the facts mentioned in the written statement were denied and the claim statement was reiterated to be correct.

5. Management examined Shri Vijender Sahai, Deputy Director, National Silworm Seed Project, Central Silk board, Majra Dehradun in support of its case and workman filed his affidavit in evidence and despite opportunities granted to him for cross examination he did not turn up on the subsequent dates 15-2-05 and 5-5-05 and he was proceeded *ex parte* on 5-5-05.

6. Shri Jog Singh A/R for the management moved an application that the workman has expired leaving behind no L. Rs to represent him. Hence he prayed to pass a No Dispute Award in this matter. In view of the above stated facts a No Dispute Award is accordingly passed. File be consigned to record room.

DATED : 28-6-06 S. S. BAL, Presiding Officer

नई दिल्ली, 13 जुलाई, 2006

का. आ. 3078.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंटिग्रेटेड फिशरीज प्रोजेक्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी-116/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-06 को प्राप्त हुआ था।

[सं. एल-42025/3/2006-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th July, 2006

S.O. 3078.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LCID-116/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Integrated Fisheries Project and their workman, which was received by the Central Government on 13-7-2006.

[No. L-42025/3/2006-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer.

Dated the 29th day of May, 2006

INDUSTRIAL DISPUTE L.C. I. D. No. 116/2004

[Old I. D. No. ITID (C) 31/2002 Transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam]

BETWEEN:

Smt. Vaddadi Adi Lakshmi,
C/o Gurumurthy, D. No. 14-4-9,
Maharanipeta, Venkatapathiraju Nagar,
Visakhapatnam-2. ... Petitioner

AND

1. The Director,
Integrated Fishering Project,
Fine Arts Avenue, Four Shore Road,
Cochin-682016.

2. The Deputy Director,
Integrated Fishering Project,
Vizag Unit, Old Taluk Office
Building, Beach Road,
Visakhapatnam-1 ... Respondent

APPEARANCES:

For the Petitioner : Sri T. P. Acharya, Advocate.

For the Respondent : Sri P. Ravinder Reddy, Advocate.

AWARD

This application filed by Smt. V. Adi Lakshmi u/s 2A(2) of Industrial Disputes Act, 1947 against Integrated Fishering Project, through its Director, Cochin as R1 and Integrated Fishering Project, through its Deputy Director at Vizag as R2 seeking relief for reinstatement as a sweeper in the office of R2 with all back wages and attendant benefits.

2. It was taken on file by the Industrial Tribunal-cum-Labour Court, Visakhapatnam u/s 2A(2) of the Industrial Disputes Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing ITID(C) No. 31/2002 and renumbered in this Court as L.C.I.D. No. 116/2004.

3. The Petitioner workman submits that she joined as a part time sweeper on a consolidated monthly payment of Rs. 300 per month through employment exchange, Visakhapatnam in the month of September, 1992 in R2's office and she continued till February, 1998 to the satisfaction of her superiors. That she was made regular sweeper through proceedings dated 16-2-98 w.e.f. 16-2-98 on payment of Rs. 96 per day plus DA. Since then she is working as a sweeper and her working time was from 8.30 AM to 1 PM and 1.30 PM to 5 PM on every working day. She worked 258 days in the year 1998, 295 days in the year 1999 and 243 days in the year 2000 upto 6-11-2000. The Petitioner made a representation to the Respondents for absorption as a permanent employee but there was no response. Even then she continued till 19-11-2001. The Respondent discharged her and stopped employment. Even though the work of a sweeper in perennial in nature and further she belongs to scheduled caste, the Respondent with a mala fide intention arbitrarily terminated the Petitioner which is illegal and against to the principles of natural justice.

4. The Respondent No. 2 filed the counter and denied the averments made in the petition. Further it is admitted that Petitioner was engaged as a part time sweeper at Visakhapatnam unit on 4-9-92 consequent on her name being sponsored by the local employment exchange and subsequently she was selected by the selection board. It is also admitted that she was initially paid Rs. 300 per month as a part time sweeper w.e.f. 1-9-92 thereafter the consolidated wages was increased from Rs. 300 to Rs. 400 w.e.f. 1-9-93 and subsequently the wages was again increased to Rs. 500 w.e.f. 1-12-94.

5. It is further submitted that the Petitioner made a representation for enhancement of her wages and the same was forwarded to the first Respondent by the second Respondent. The representation of the Petitioner was considered and it was ordered that she may be engaged on casual basis on all working days and paid Rs. 96 per day with DA. As per the following formulae :

$$\text{Daily wage} = \frac{\text{Minimum of the pay} + \text{D.A.}}{30} = \frac{2550 + 332}{30} = \text{Rs. } 96$$

The above order was passed pending decision of the Ministry for creating a post of sweeper/Safaiwala in R2's office. It is further submitted that the Petitioner was engaged as a casual sweeper w.e.f. 16-2-98 after obtaining sanction from the first Respondent. The representation of the Petitioner to regularize her appointment was forwarded to the first Respondent by the second Respondent with a recommendation to consider her case but the same was not considered. As there is no sanctioned post available in the second Respondent office. It is further submitted that six posts of processing workers which were laying vacant in the first Respondent's office at Cochin were transferred to second Respondent's unit and they were filled by regularizing six casual processing workers who were engaged in the unit of the second Respondent since 1989.

6. It is further submitted that the Ministry has infomed that since government has proposed to lease out the facilities of the Respondent unit to private parties it wouldnot be possible to create additional posts. In view of the said proposal the services of the Petitioner could not be regularized and it is further submitted that the services of the Petitioner were terminated by the second Respondent w.e.f. 19-11-2001.

7. ThePetitioner filed an affidavit in support of her case and got marked the following documents : Ex. W1 is office order dated 16-2-98. Ex. W2 is office order dated 4-9-92. Ex. W3 is the copy of letter dated 6-11-2000 by the Petitioner to the Director of Respondent. Ex. W4 is the copy of the appeal by the Petitioner to the Respondent dated 20-11-2001. Ex. W5 is the postal receipt dated 20-11-2001. Ex. W6 is the copy of the caste certificate of the Petitioner dated 4-12-2000.

8. Against this, Respondent filed affidavit of Sri Jai Singh Meena, Officer-in-charge and got marked the following documents : Ex. M1 is the letter for engagement of part-time sweeper dated 10-2-1998. Ex. M2 is the letter No. A1/4-5/98/312 dated 23-1-2001. Ex. M3 is the sanction of part time sweeper paid on consolidated wages of Rs. 300 p.m. dated 10-2-1998. Ex. M4 is the office order dated 4-9-92. Ex. M5 is the office order No. 98/93 dated 7-9-93. Ex. M6 is the office order No. 189/94 dated 19-12-94. Ex. M7 is the letter to the Director, IFP, Cochin by R2 dated 1-1-98. Ex. M8 is the letter dated 27-6-2001 from Accounts Officer, IFP, Cochin to IFP, Vizag unit. Ex. M9 is letter from Ministry of Agriculture dated 27-2-2001 to the Director, IFP Cochin, Ex. M10 is letter from Ministry of Agriculture dated 3-8-2001 to the Director, IFP, Cochin.

9. Arguments heard on both sides.

10. The facts averred by the Petitioner are not disputed by the Respondents. It is not in dispute that the Petitioner was initially appointed as a part time sweeper sponsored by the local employment exchange and subsequently she was made full time sweeper with a consolidated pay of Rs. 96 plus DA per day. It is also not in dispute that she served from September, 1992 till 19-11-2000. She worked as a part time sweeper till 16-2-98 and thereafter full time sweeper till she was terminated on 19-11-2000. It is also not in dispute that the Petitioner worked for 258 days in 1998, 295 days in 1999 and more than 240 days in the year of 2000 and 2001. The working time of the Petitioner was also specified by the Respondent in his letter which shows that she has to work from 8.30 hrs. to 13.00 hrs. and 13.30 hrs. to 17.00 hrs. on all working days. It shows clearly that the services of the Petitioner were extracted on all the working days rights from 16-2-98 till she was terminated on 19-11-2001. The documents filed by both parties were not disputed. The Respondent taken the plea in the counter that the Respondent Ministry is proposed to lease out the facilities of the R2's office to private parties, as such the Petitioner was not regularized and terminated from service. But MW1, has admitted that the facilities of the units of R1 were not leased out as there are no persons to take and the same is being run by the Department. MW1 has taken the plea that the Petitioner was engaged only for 89 days and thereafter with a gap of one or two days she was again appointed and her services are purely temporary in nature. But no documents are filed to that effect, on the other hand the proceedings issued by the Respondent shows that she was engaged as a permanent sweeper on all working days without any break from 1998 till she was terminated in the year 2001. The Petitioner also made a representation that she was working continuously and requested to regularize her services. The Respondents have not replied to that letter though she was continuously working. The evidence on record shows that the Petitioner workman was employed by the second Respondent and that the Petitioner was in continuous service as full time worker for a period of about 4 years and prior to that she worked as a part time sweeper for a period of about 6 years. But since the Petitioner has worked for several years continuously she cannot be terminated or retrenched without giving one month notice. As per the provision of Sec. 25F of Industrial Disputes Act, 1947. The Respondent admittedly has not given any notice u/s 25F of Industrial Disputes Act, 1947, even though she was in the service continuously for five years. The action of the Respondent in terminating the services of the Petitioner is in violation of the provision of Sec. 25F of Industrial Disputes Act, 1947. The Respondent neither has given one month notice nor paid the compensation as required u/s 25F of Industrial Disputes Act, 1947. Therefore, the Petitioner is entitled for restoration of her position on the date of termination.

11. In view of the circumstances and on considering the material on record, I hold that the Petitioner is entitled for reinstatement without back wages. Therefore, the Respondents are directed to reinstate the Petitioner within three months from the date of publication of this award.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me, on this the 29th day of May, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW 1 : Smt. V. Adi Lakshmi	MW 1 : Sri Jai Singh Meena

Documents marked for the Petitioner

Ex. W1 : Office order No. IFP/V/A/1-25/90/dt. 16-2-98

Ex. W2 : Office order No. IFP/V/A/1-25/90/dt. 4-9-92

Ex. W3 : Copy of representation of WW 1 dt. 6-11-2000 to R 1

Ex. W4 : Copy of representation of WW1 dt. 20-11-2001

Ex. W5 : Postal acknowledgment

Ex. W6 : Copy of caste certificate

Documents marked for the Respondent

Ex. M1 : Copy of lr. No. A1/1-6/89 dt. 10-2-98

Ex. M2 : Copy of lr. No. A1/4-5/98/312 dt. 23-1-2001

Ex. M3 : Copy of lr. No. A1/1-6/89/2656 dt. 25-8-92

Ex. M4 : Copy of lr. No. IFP/V/A1-25/90/404 dt. 4-9-92

Ex. M5 : Copy of O. O. No. 98/93 dt. 7-9-93

Ex. M6 : Copy of O. O. No. 189/94 dt. 19-12-94

Ex. M7 : Copy of lr. No. IFP/V/A/125/90/3610 dt. 1-1-98

Ex. M8 : Copy of lr. No. IFP/Accts.-11/2-3/2001 dt.27-6-2001

Ex. M9 : Copy of lr. No. 19012/16/2000-FY (T-5) dt. 27-2-2001

Ex. M10 : Copy of lr. No. 5-16/2000-FY. (Admn.) dt. 3-8-2001

नई दिल्ली, 13 जुलाई, 2006

का. आ. 3079.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 112/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-06 को प्राप्त हुआ था।

[सं. एल-42011/15/1997-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th July, 2006

S.O. 3079.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 112/98) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C. P. W. D. and their workman, which was received by the Central Government on 13-7-2006.

[No. L-42011/15/1997-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I. D. No. 112/98

In the matter of dispute between :

Shri Rajendra Prasad S/o Sh. Ram Dutt,
Shri Raj Kumar S/o Shri Ram Chander,
Through C. P. W. D. Karamchari Union (Regd.),
Plot No. 1, Aram Bagh near Udasin Mandir,
Pahar Ganj, New Dlehi-110005. ... Workman

Versus

1. The Director General (Works),
C. P. W. D., Nirman Bhawan,
New Delhi-110001.

2. The Superintending Engineer
(Coordination),
C. P. W. D. Room No. 401 A,
4th Floor, I. P. Bhawan,
New Delhi. ... Management

APPEARANCES :

For the Workman : Shri B. K. Pd.

For the Management : Shri Bhisham Dev Mund A/R for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/15/97-IR (DU) dated 16-4-98 has referred the following industrial dispute to this Tribunal for Adjudication :

"Whether the action of the management of CPWD in not regularizing S/Shri Rajendra Prasad and Raj Kumar, Beldars working at PWD Civil Division 7, R. R. Lines, Daula Kuan, Delhi is legal and justified ? If not to what relief the workmen are entitled to ?"

2. Brief facts giving rise to this reference are that the workmen S/Shri Rajender Prasad and Raj Kumar (Beldars) have been working with the management w.e.f. 4-12-85 respectively and the management is still adamant and is not agreed to regularize their services from the date of their joining the Department inspite of Several Judgements of the Hon'ble Supreme Court of India to regularize all the muster roll employees who have completed 240 days in continuous service. It is averred that the workman Rajender Prasad belongs to O. B. C. (Backward class) and Raj Kumar belongs to scheduled caste community. Despite the clear instructions/directions of the government to fill up the vacancies/regularize the workman against reserved vacancies the management has failed to comply with the direction of the Govt. Both the workmen are working in the

department satisfactorily for the last about 13 years and having no adverse records in the service as such they are legally entitled for regularization in service with retrospective effect. The union has duly filed the claim of both the workmen on their behalf before the conciliation officer, A. L. C. but due to non cooperative attitude of the management the conciliation failed and on this the central government was pleased to refer the matter to this Hon'ble Court for adjudication. It is, therefore, prayed that the services of both the workmen may kindly be ordered to be regularized from the date of their first entry in the department with all consequential benefits of regularization.

3. The management filed written statement stating therein that in view of the ban imposed on direct recruitment w.e.f. 19-11-85 no daily rated worker who has been engaged after the date of imposition of bank on direct recruitment is eligible for regularization. Hence the claim of the applicants is denied. It is also alleged that the applicants-workmen have not submitted any documentary proof in respect of their claim that they belong to O. B. C. and S/C communities. In view of the above facts and the ban imposed on direct recruitment since 19-11-85 has not yet been lifted no action to regularize the services of daily rated workers engaged on M. Roll/Hand Receipt workers engaged after the date of imposition of ban can be taken till the ban orders are lifted by the Govt. The case being devoid of any merit may therefore be dismissed.

4. Written statement was followed by rejoinder wherein the facts mentioned in the claim statement were reiterated to be correct and those of written statement are denied.

5. In this case management was proceeded against ex parte on 9-3-2001 and an application for setting aside ex parte order was filed on 11-5-2001 and order was set aside on 3-5-02. Management examined MW1 Shri Sudhir Kumar and closed its evidence. Workman examined Shri Hukam Chand as WW1. Management was again proceeded against ex parte on 11-5-06 and for the evidence case was adjourned to 24-5-06. On 23-5-06 Shri Bhisham Dev Mund A/R for the management moved an application for setting aside ex parte order dated 11-5-06. Statement of workmen Shri Rajender Pd. and Raj Kumar was recorded as WW2 and WW3 and their evidence was closed and the case was fixed for 29-5-06 for arguments and payment of costs.

6. In this case both the workmen claimed that they have been engaged as daily rated workers and have been working as such for the last 13 years and are claiming regularization. The following observation of the Supreme Court in a decision reported in a recent case captioned as Secretary Vs. Uma Devi are pertinent and applicable to the present case.

> "..... would certainly therefore, consistent with the scheme for public employment, this Court while laying down the law, has necessarily to hold that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. If it is a contractual appointment, the appointment comes to an end at the end of the contract. If it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued. Similarly, a temporary employee could not claim to be made permanent on the expiry of his term of appointment."

In view of the above observation of the Supreme Court in the above case, the applicants—claimants are not entitled to regularization even if they have been working for the last 13 years or so on casual basis. In view of the above discussion workmen are not entitled to the relief of regularization as claimed. The reference is answered accordingly. File be consigned to record room.

Dated: 10-7-06

S. S. BAL, Presiding Officer

नई दिल्ली, 13 जुलाई, 2006

का. आ. 3080.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेन्डेन्ट ऑफ पोस्ट ऑफिसेज के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/179/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-06 को प्राप्त हुआ था।

[सं. एल-40012/108/1992-आई आर (डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th July, 2006

S.O. 3080.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/179/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sr. Supdt. of Post Offices and their workman, which was received by the Central Government on 13-7-2006.

[No. L-40012/108/1992-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/179/93

PRESENT:

Shri C. M. Singh, Presiding Officer

Shri Devendra Singh Chouhan,
S/o Shri Kamal Singh Chouhan,
Through Secretary,
Bhartiya Postman Evam Chaturth Shreni
Karamchari Sangh (H. M. S.),
44/26, South T. T. Nagar,
Bhopal. Workman/Union

Versus

The Post Master (Gazetted),
G. P. O., Bhopal.

The Supdt. of Post Offices,
Dak Bhawan, Central T. T. Nagar,
Bhopal-462001. ...Management

AWARD

Passed on this 27th day of June, 2006

The Government of India, Ministry of Labour vide its Notification No. L-40012/108/92-IR (DU) dated 6-9-93 has referred the following dispute for adjudication by this Tribunal :

"Whether the action of the management of Sr. Supdt. of Post Offices Central, T. T. Nagar, Bhopal in terminating the services of Shri Devendra Singh Chouhan is justified ? If not, what relief he is entitled to ?"

2. The case of workman Shri Devendra Singh Chouhan in brief is that he was employed with the management (Sr. Supdt. of Post Offices, Dak Bhawan, Central T. T. Nagar, Bhopal) with effect from 13-4-82. His services were terminated w.e.f. 1-1-91 without following the procedure laid down in the Industrial Disputes Act. His termination from service is bad in law and is illegal on the following grounds. That he has continuously worked for more than 240 days in a calendar year and hence he has been in continuous service within the meaning of Section 25-B of the Industrial Disputes Act. That prior to termination of workman's service the management has not paid any retrenchment compensation as per provisions of Section 25-F of the Industrial Disputes Act. That the management has not followed the principle "Last come first go" as per provisions of Section 25-G of the Industrial Disputes Act. It is prayed by the workman that the termination of the workman's service be held illegal, contrary to law and the management be directed to reinstate him in service with all consequential benefits.

3. Despite of ample opportunity provided to the management, the management failed to file their written statement.

4. The workman in order to prove his case examined himself.

5. The management first of all filed affidavit of Shri Godhanlal as a witness but the record reveals that the management failed to produce the witness for cross-examinations by the workman. Therefore the affidavit of Shri Godhanlal the management's witness cannot be read in evidence.

6. Thereafter the management filed affidavit of Shri G. Narayan, the then working as Manager (Customer Care Centre, Bhopal as a witness). This witness was cross-examined on behalf of the workman.

7. The workman has filed certain Photostat copies of the documents on record. But those Photostat copies of the documents have not been proved in accordance with the law of evidence and therefore they cannot be read in evidence. Likewise the management has also filed certain photostat copies of the documents on record but the management has also failed to prove those documents in accordance with law of evidence and therefore those documents cannot be read in evidence.

8. I have heard Shri S. Mishra, Advocate for workman and Shri Anil Verma, Advocate for management. I have very carefully gone through the entire evidence on record.

9. It has been submitted by the learned counsel for the workman that the workman had worked continuously since right from the initial appointment. That he worked for more than 240 days in every year and has been in continuous service within the meaning of Sec 25-B of the I. D. Act. Against the above, the learned counsel for the management submitted that the workman had worked as an outsider in short term vacancies arising due to absenteeism of postman and Group-D employees, his services were taken as and when required and he was serving as a casual labour. It has been further submitted by the learned counsel for the management that the workman has not put in 240 days of service in any given year preceding the date on which he has alleged to have been terminated and hence in the absence of provisions of Sec. 25-B of the I. D. Act, not being fulfilled and therefore the workman is not entitled to any retrenchment compensation. In his affidavit, workman Devendra Singh Chouhan deposed that since 6-5-81, he was working with the management as an outsider postman. During the course of cross-examination of this witness, it was suggested on behalf of the management that the services of outsider postman are taken only when permanent postman remains on leave. Regarding this suggestion, the witness has expressed his ignorance. The workman has filed a photostat copy on record which has been marked on behalf of the workman as Exhibit-P/3. As stated above, this photocopy of the document has not been proved in accordance with law. But because the workman has placed reliance on this photocopy of the document, it can be very well read in evidence against him only. On being cross-examined, workman Shri Devendra Singh Chouhan stated that the document marked Exhibit-P/3 is correct. That according to this document, he had worked only for 203 days. It is

mentioned in the aforesaid document that the workman from 6-5-81 to 29-12-81 worked only for 203 days. Workman Shri Devendra Singh Chouhan did not depose specifically in his affidavit that he had worked for 240 days or more with the management in any calendar year. There is no other document on record which may indicate that the workman had worked for 240 days or more with the management. Under the above facts and circumstances, the submission made by the learned counsel for the management that the workman had worked as an outsider in short term vacancies arising out of absenteeism of postman appears to have force. The another submission made by the learned counsel for the management that the workman has not put in 240 days of service in any given year preceding the date on which he has alleged to have been terminated is also trustworthy as the workman has failed to prove by his evidence that he worked with the management for 240 days or more in any calendar year. In view of the above, the workman is not entitled to any retrenchment compensation under the provisions of I. D. Act.

10. From the for going discussions, it is fully established that the action of the management of Sr. Suptd. of Post Offices Central, T. T. Nagar, Bhopal in terminating the services of Shri Devendra Singh Chouhan is justified and the workman is not entitled to any relief. But considering the facts and circumstances of the case, I am of the considered opinion that the cost of this reference should remain easy i.e. the parties should bear their own costs of this reference.

11. In view of the above, the reference is answered in favour of management and against the workman holding that the action of the management of Sr. Suptd. of Post Offices Central, T. T. Nagar, Bhopal in terminating the services of Shri Devendra Singh Chouhan is justified and the workman is not entitled to any relief. The parties shall bear their own costs of this reference.

12. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

Dated : 27-6-2006 C. M. SINGH, Presiding Officer

नई दिल्ली, 13 जुलाई, 2006

का. आ. 3081.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री कम्यूनिकेशन टेलीकॉम इंजीनियरिंग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/2/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-06 को प्राप्त हुआ था।

[सं. एल-14011/14/1999-आई आर (डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th July, 2006

S.O. 3081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/2/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Communication Telecom Engineering and their workman, which was received by the Central Government on 13-7-2006.

[No. L-14011/14/1999-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/2/2000

PRESENT:

Shri C. M. Singh, Presiding Officer

Shri Babu Ramchandra Kaushal,
Suraksha Asainik Karamchari Sangh.
Bagicha No. 19, Pit Road, Mhow,
Distt. Indore-452001. ... Workmen/Union

Versus

Commandant,
Military Communication Telecom Engineering,
Mhow, Distt. Indore-452001. ... Management

AWARD

Passed on this 27th day of June, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-14011/14/99/-IR (DU) dated 16-12-99 has referred the following dispute for adjudication by this Tribunal :

> "Whether the action of the management of Military Communication Telecom Engineering, Mhow in not regularising 21 workmen (annexure) when they are working since long is legal and justified ? If not, to what relief they are entitled ?"

2. The case of workmen Sudhakar Rao and 20 others as per their statement of claim is as follows. That the workmen be declared as permanent employees of the management [Union of India and Commandant, Military College of Telecommunication Engineering, Mhow (MP)] continuously for the past 7 years and the management be directed to give them salary and allowances of class-III employees for the past 7 years. The management be also directed to permit the workmen to work as permanent class-III employees in the regular service and to give them

salary and allowances for the regular service as above. The management be further directed to pay Rs. 20,000 to each of the workmen as damages for non-payment of salaries and allowances to them for the last 7 years.

3. The management filed their written statement. Their case in brief is as follows. That the workmen have been engaged for performing duties of daily workers on as and when required basis from time to time as casual labour. The workmen have never been appointed by the management and thus they have not been paid by the management. That the employees who are being appointed by the management are being paid by the Union of India from "Public Fund" and thus can be treated as employees of Government of India. The Government of India may appoint a person on regular or casual basis. The definition of "Public Fund" is provided under Para-801(a) of Regulation for Army 1987 which is as under :—

"801 Definition of Funds (a) Public Fund—include all funds which are financed entirely from public money, the unexpended balances of which are refundable to Government in the event of not being devoted to the objects for which granted and also :

(a) unissued pay and allowances;

(b) office allowance fund; and

(c) the estates of deceased men and deserters"

That there are various regimental institutions run for the benefit of officers and jawans in their individual capacities from their private money and not from any government fund. These regimental institutions include officers mess, family welfare centre, other rank mess, junior commissioned officers, Signal Shishu Padshala, Mercury Park etc. As their names suggests that these institutions have nothing to do with any activity of India, Ministry of Defence but they are solely meant for the purpose of general day to day activities of the staff which has nothing to do with their official activities. It is thus important to mention here that the officer and jawans make their own contribution for running these small institutions, which is 100% private in nature. That fund which is collected for smooth functioning of these institutions is termed as "Regimental Funds" and defined in para 801(b) of RA 1987 which is as under :—

Para 801(b) Regimental Funds—Compromise all funds, other than public funds as defined above, maintained by a unit. It is thus clear from the above definition that the "Regimental Fund" is not a public fund and thus the workmen are not entitled to claim any relief from the answering respondents for regimental funds. The classification and Administration—Regimental funds is mentioned in Para 820 of RA—1987 which is reproduced as under :—

"Classification and Administration—Regimental Funds comprise :—

(a) all funds, other than public funds as defined in para 801 above, maintained by a unit, which are financed either wholly or partly from public money; and

(b) Private funds which include all funds not financed in any way from public money.

The Officer Commanding (OC) whose position in relation to regimental funds is that of trustee for the personnel of his unit, is responsible that these funds are properly applied, with special reference to the object of each, for the benefit of the personnel or unit as a whole, or in certain cases, for the benefit of subscribers to the funds, when he will be personally responsible for any portion of the funds which may be misapplied or lost owing to neglect on his part. The OC may delegate details of his administration to officers, JCOs, WOs or selected other ranks serving under his command, but this delegation does not relieve him of his responsibility that the money entrusted to them is properly administered and used. If a loss occurs, all ranks concerned will be called upon to show that it was not due to any failure on their part."

The workmen have never been appointed regularly but they have been engaged from time to time by these institutions which are run and funded by regimental fund on as and when required basis. It has been specifically denied by the management that the workmen have been working continuously since 1992. It has been pleaded that the management have improperly made party in this case because of the fact that the management has nothing to do with the persons employed on casual basis in the institutions like officers mess, family welfare centre, other rank mess etc. It has been pleaded that the certificates which are produced by the workmen with regard to their employment with Military College of Telecommunication Engineering do not find place in the official records and these certificates may have either been given by the officers, who signed those certificates in his personal capacity and without authority of law or have been fraudulently produced by the workman in their private capacity. The management does not have any official record of the same and thus they are not authentic certificates. It has also been pleaded by the management that the identity passes are issued solely for the purpose of restricted entry for specific duration and are renewed after expiry of duration because of the fact that the Army area is a restricted area and general public is not allowed to enter in these areas without any prior permission. The identity cards produced by the

workmen were thus issued for only allowing them entry in the army area. That there is no posts against which the workmen were working. There is no post which has ever been created in the institutions which are run by regimental funds. The Government of India does not have any pay scale and any rule for the persons engaged in the institutions; which are run by the regimental funds. Therefore the claim of the workmen are unjustified and it is denied that they can be given regular appointment and regular pay scale along with allowances. That the Government of India gives an employment only after issuing an advertisement and after following the due selection process based on the recruitment rules provided by the Ministry of Defence from time to time and no such procedure has been followed in this case. That in view of the above, the workmen are not entitled for compensation to the tune of Rs. 20,000 per person. It has been specifically pleaded that the workmen are not entitled to any relief whatsoever.

4. Vide order dated 15-6-05, the reference proceeded ex parte against the management. The workmen Sarva Shri Sudhakar Rao, Anand Rao, Karan Singh, Bhupendra Dabar, Amar Singh, Suresh More, Devram, Chandulal, Anil, Antar Singh, Mahesh Gyan Singh, Ram Prasad, Asharam, Rajesh S/o Shivlal, Badrulal, Amrit Lal and Rajesh S/o Mangilal filed their affidavits. Workmen Shri Ashok Jha and Dinesh have not filed their affidavit. No witness has given evidence regarding their case.

5. The parties have also filed certain Photostat copies of the documents in support of their respective contentions but those documents have not been proved in accordance with the law of evidence and therefore cannot be read in evidence.

6. I have heard Shri R. C. Shrivastava, Advocate the learned counsel for the workmen and perused the entire evidence on record.

7. Strange is the statement of claim filed in this case on behalf of the workman. The case of the workman is not averred at all in their statement of claim. Only it has been averred therein that the workmen be declared as permanent employees of the management continuously for the past 7 years. Next it has been averred that the management be directed to give them salary and allowances for the regular service. Lastly it has been averred that the management be directed to pay Rs. 20,000 to each of the workmen as damages for non-payment of salaries and allowances to them. Thus there is no specific case of the workmen averred in the statement of claim. It has not been averred since when or since which date the workmen were employed by the management. It has also not been averred in which capacity they were employed by the management. It has also not been averred as to what was their salary and what allowance they were drawing and only it has been claimed that each of them be paid Rs. 20,000 by the management as damages for non-payment of salary and allowances. Thus it is very clear that no specific case has been pleaded on behalf of workman in their statement of claim. Workman Shri Sudhakar Rao deposed in the 1st para of his affidavit that he was appointed on the post of Mali since 17 years and worked for more than 240 days in a calendar year preceding to his date of termination i.e. 7-2-01 instead of regularisation. Likewise almost the same except the number of years of work, has been deposed in the affidavits of the other workmen on record. First of all, at may be noted that no specific case has been averred on behalf of the workmen that they worked for more than 240 days in any calendar year with the management and therefore they are entitled to retrenchment compensation under the provisions of I. D. Act. What has not been averred in the statement of claim cannot be allowed to be proved by the evidence of the workmen. Besides the above, it is only the oral deposition of the workmen that they worked for more than 240 days in a calendar year preceding to their date of termination i.e. on 7-2-01. This oral evidence is not supported by any document on record and therefore it is not sufficient for proving that the workmen worked with the management for more than 240 days in a calendar year preceding to their date of termination. Besides the above, in their statement of claim, the workman have not averred the date on which they were terminated from the services. Thus the case of the workmen has not been proved at all from the evidence on record.

8. In view of the above, the reference is decided in favour of the management and against the workmen holding that the action of the management of Military Communication Telecom Engineering, Mhow in not regularising 21 workmen (annexure) when they are working since long is legal and justified and the workmen are, therefore, not entitled to any relief. It is hereby held that the parties shall bear their own costs of this reference.

9. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

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